

Island of  Guernsey

Ordinance of the States **XX**  
1988

Made ... .. 30th June, 1988.  
Coming Into Operation ... 1st July, 1988.

**The Seat Belts Ordinance, 1988**

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## The Seat Belts Ordinance, 1988

THE STATES, in pursuance of their Resolution of the 25th day of March 1987, and on the representations of the Island Police Committee, hereby order:—

### PART I

#### FITTING AND MAINTENANCE OF SEAT BELTS

1. Subject to section 2, every Guernsey registered motor vehicle shall be fitted with a seat belt conforming to the requirements set out in Schedule 1 for—

Compulsory fitting of seat belts.

- (a) the driver's seat; and
- (b) any specified passenger's seat.

2. Section 1 does not apply in any case specified in Schedule 2.

Exceptions to section 1.

3. (1) Every seat belt which is fitted in a Guernsey registered motor vehicle (whether or not it is required by this Ordinance to be so fitted) shall be secured to anchorage points in accordance with the requirements set out in Schedule 3.

Seat belt installation and anchorage points.

(2) An anchorage point provided for a seat belt shall be used only as an anchorage for a seat belt for which it is intended to be used or capable of being used.

4. If a seat belt is fitted to a Guernsey registered motor vehicle (whether or not it is required by this Ordinance to be so fitted)—

Maintenance of seat belts and anchorage points.

- (a) all load-bearing members of the vehicle's structure or panelling within 30 centimetres of each anchorage point shall be maintained in a sound condition and free from serious corrosion, distortion or fracture;
- (b) the adjusting device and (if fitted) the retracting mechanism of the seat belt shall be so maintained that the belt may be readily adjusted to the body of the wearer, either automatically or manually, according to the design of the device and (if fitted) the retracting mechanism;
- (c) the seat belt and its anchorages, fastenings and adjusting device shall be maintained free from any obvious defect which would be likely to affect adversely the performance by the seat belt of the function of restraining the body of the wearer in the event of an accident to the vehicle;
- (d) the fastening of the seat belt shall—
  - (i) be so maintained that the belt can be readily fastened or unfastened;
  - (ii) be kept free from any obstruction; and
  - (iii) except in the case of a child restraint or a disabled person's seat belt, be readily accessible to a person sitting in the seat for which the seat belt is provided;
- (e) the webbing or other material which forms the seat belt shall be maintained free from cuts or other visible faults (as, for example, extensive fraying) which would be likely to affect adversely the performance of the belt when under stress;

- (f) the ends of every seat belt, other than a disabled person's seat belt, shall be securely fastened to the anchorage points provided for them;
- (g) every child restraint, and the ends of every disabled person's seat belt, shall, when being used for the purpose for which it was designed and constructed, be securely fastened either to some part of the structure of the vehicle or to the seat which is being occupied by the person wearing it so that the body of the person wearing it would be restrained in the event of an accident to the vehicle.

5. If any provision of section 1, 3 or 4 of this Ordinance is contravened, the registered owner of the vehicle concerned is guilty of an offence and liable, on conviction, to a fine not exceeding £500.

Offences  
under Part I.

## PART II

### WEARING OF SEAT BELTS

6. Subject to section 9, an adult shall not travel in any forward-facing front seat of a motor vehicle on a road—

Adults to  
wear belts.

- (a) if a seat belt is fitted in respect of that seat, unless he wears it; or
- (b) if a seat belt is required by section 1 to be fitted in respect of that seat but the required seat belt is not fitted.

7. Subject to section 9, a person shall not permit a young person aged between 10 and 14 years to travel in any forward-facing front seat of a motor vehicle on a road—

Young  
people to  
wear belts.

- (a) if a seat belt is fitted in respect of that seat, unless the young person wears it; or
- (b) if a seat belt is required by section 1 to be fitted in respect of that seat but the required seat belt is not fitted.

Children to wear belts or restraints.

8. Subject to section 9, a person shall not permit a child under the age of 10 years to travel in any forward-facing front seat of a motor vehicle on a road unless the child wears—

- (a) if he has not attained 6 years of age, a child restraint conforming to the requirements set out in Schedule 4;
- (b) if he is aged between 6 and 10 years, a seat belt conforming to the requirements set out in 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.

Exceptions to sections 6 to 8.

9. Sections 6, 7 and 8 do not apply in any case specified in Schedule 5.

Offences under Part II.

10. (1) A person who contravenes section 6, section 7 or section 8 is guilty of an offence and liable, on conviction, to a fine not exceeding £200.

(2) Notwithstanding any enactment or rule of law, nobody except a person actually contravening section 6 is guilty of an offence by reason of that contravention.

## PART III

## MISCELLANEOUS PROVISIONS

11. (1) For the purposes of this Ordinance—

Disabled  
person's seat  
belt.

- (a) a seat belt designed for use by an adult is to be treated as if it complied with the requirements set out in Schedule 1, and
- (b) a child restraint is to be treated as if it complied with the requirements set out in Schedule 4,

if it has been specially designed and constructed (and not merely adapted) for use solely by a person suffering from some physical defect or disability and is approved in writing by the Committee for the purposes of this section.

(2) An approval for the purposes of this section may be given either—

- (a) in relation to the use by a particular person of a particular seat belt or child restraint; or
- (b) in relation to the use by persons suffering from specified physical defects or disabilities of seat belts or child restraints of specified descriptions;

and may be given subject to such conditions (regarding its use, anchorage, maintenance or otherwise) as may be specified in the approval.

12. (1) For the purposes of this Ordinance “medical exemption certificate” means either—

a Exemption  
on medical  
grounds.

- (a) a certificate issued under this section; or

(b) a certificate issued to a person who is ordinarily resident outside Guernsey and which is accepted by the Committee as being equivalent to a certificate issued under this section.

(2) The procedure for obtaining a medical exemption certificate, and for appealing against the refusal of a medical exemption certificate, under this section is set out in Schedule 6.

Amendment  
of Schedules  
by Order.

13. (1) The Committee may vary or revoke any of the Schedules to this Ordinance by an Order made under this section.

(2) An Order made under this section—

(a) shall be laid before a meeting of the States as soon as possible after being made; and if at that meeting or their next meeting the States resolve that the Order be annulled it shall cease to have effect, but without prejudice to anything done under the Order or to the making of a new Order;

(b) may make different provision in relation to different cases or circumstances;

(c) may contain such incidental, supplementary and transitional provisions as appear to the Committee to be appropriate;

(d) may be varied or revoked by a subsequent Order under this section.

Interpreta-  
tion.

14. (1) In this Ordinance, unless the context otherwise requires,—

“adult” means a person who has attained the age of 14 years;

“child restraint” means a seat belt for the use of a child or young person and includes any special chair into which such a seat belt is incorporated;

“the Committee” means the Island Police Committee;

“Community Directive” means a Directive issued by any institution of, or common to, the Communities as defined in the European Communities (Bailiwick of Guernsey) Law, 1973(a);

“compulsory seat belt” means a seat belt required by section 1 to be fitted in a Guernsey registered motor vehicle;

“contravene” includes fail to comply, and related words are to be construed accordingly;

“disabled person’s seat belt” means a seat belt approved by the Committee for the purposes of section 11;

“ECE Regulation 14” has the meaning assigned by paragraph 4 of Schedule 3;

“enactment” includes a statutory instrument made in exercise of a power conferred by an Act of Parliament, a Community Directive and ECE Regulation 14;

“fireman” has the meaning assigned by paragraph 2 of Schedule 5;

“forward-facing front seat” means a front seat attached to a vehicle so that it faces towards

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(a) Ordres en Conseil Vol. XXIV, p. 87.

- the front of the vehicle in such a manner that a line through the centre of the front and back of the seat is at an angle of 30 degrees or less to the longitudinal axis of the vehicle;
- “front seat” means the driver’s seat, any seat alongside the driver’s seat and any specified passenger’s seat;
- “full driving licence” has the meaning assigned by paragraph 2 of Schedule 5;
- “goods vehicle” has the meaning assigned by paragraph 2 of Schedule 2;
- “Guernsey registered motor vehicle” means a motor vehicle (other than a motor vehicle whose registration number is prefixed by the letters AY) in respect of which particulars have been entered in the register maintained in Guernsey by the States Board of Administration pursuant to section 24 of the Ordinance entitled “Ordonnance supplémentaire à l’Ordonnance ayant rapport au Trafic Véhiculaire en cette Ile” made permanent on 18th January 1932(b), and “registered in Guernsey” is to be construed accordingly;
- “medical exemption certificate” has the meaning assigned by section 12(1);
- “motor cycle” has the meaning assigned by paragraph 2 of Schedule 2;
- “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;
- “officer of police” has the meaning assigned by paragraph 2 of Schedule 5;

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(b) Recueil d’Ordonnances Tome VI, p. 89.

“official vehicle examiner” has the meaning assigned by paragraph 2 of Schedule 5;

“off-road industrial vehicle” has the meaning assigned by paragraph 2 of Schedule 2;

“passenger vehicle” has the meaning assigned by paragraph 2 of Schedule 2;

“police surgeon” has the meaning assigned by paragraph 8 of Schedule 6;

“recognised medical practitioner” has the meaning assigned by paragraph 8 of Schedule 6;

“registered owner” in relation to a Guernsey registered motor vehicle means the person named as the owner of the vehicle in the registration book issued in respect of it under section 7(1) of the Ordinance entitled “Ordonnance supplémentaire à l’Ordonnance ayant rapport au Trafic Véhiculaire en cette Ile” made permanent on 18th January 1932;

“road” means any road, street, lane, way or place to which the public have access;

“seat belt” means a belt intended to be worn by a person in a vehicle and designed to prevent or lessen injury to its wearer in the event of an accident to the vehicle;

“specified passenger’s seat” means—

(i) in the case of a vehicle which has one forward-facing front seat alongside the driver’s seat, that seat, and in the case of a vehicle which has more than one such seat, the one furthest from the driver’s seat; or

(ii) if the vehicle normally has no seat which is the specified passenger’s seat

under sub-paragraph (i) of this definition, the forward-facing front seat for a passenger which is foremost in the vehicle and furthest from the driver's seat, unless there is a fixed partition separating that seat from the space in front of it alongside the driver's seat;

“unladen weight” has the meaning assigned by paragraph 2 of Schedule 2.

(2) Except where the context otherwise requires—

(a) a reference in this Ordinance to a numbered section or Schedule is a reference to the section of, or to the Schedule to, this Ordinance which is so numbered;

(b) a reference in this Ordinance to an enactment includes a reference to that enactment as from time to time amended, repealed and replaced, extended or applied by or under any other enactment.

Criminal  
liability of  
directors etc.

15. (1) If an offence under this Ordinance committed by a body corporate or an unincorporated body is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of that body or any person who was purporting to act in any such capacity, he, as well as that body, is guilty of that offence and liable to be proceeded against and

(2) For the purposes of this section a person is deemed to be a director of a body corporate if he punished accordingly.

is a person in accordance with whose directions or instructions the directors of that body corporate or any of them act.

16. This Ordinance may be cited as the Seat Belts Citation, Ordinance, 1988.

17. This Ordinance shall come into force on 1st July 1988. Commencement.

## REQUIREMENTS FOR COMPULSORY SEAT BELTS

1. Every compulsory seat belt must be designed to provide restraint for both the upper and lower parts of the trunk of an adult wearer in the event of an accident to the vehicle in which it is fitted.

2. Every compulsory seat belt fitted in a vehicle first used on or after 1st April 1981 must—

- (a) restrain the upper and lower parts of the wearer's trunk;
- (b) include a lap belt;
- (c) be anchored at not less than three points;
- (d) be designed for use by an adult.

3. (1) Every compulsory seat belt must be legibly and permanently marked either—

- (a) (i) if the vehicle in which it is fitted was first used before 1st April 1981, with a British Standard Mark, or a designated approval mark, for adult seat belts;
- (ii) in any other case, with a designated approval mark for adult seat belts; or
- (b) with a mark which is shown to the satisfaction of the Committee to indicate that the belt complies with standards at least equivalent to those indicated by those marks.

(2) For the purposes of this paragraph a mark is—

- (a) a “British Standard Mark” if it consists of the specification number of British Standard BS 3254:1960 or BSAU 160a or 160b and the registered certification trade mark of the British Standards Institution;
- (b) a “designated approval mark” if it is designated as an approval mark by regulation 4 or 5 of the Motor Vehicles (Designation of Approval Marks) Regulations 1979 of the United Kingdom<sup>(c)</sup> and shown at item 16 of Schedule 2 or item 23 or 23A of Schedule 4 to those Regulations.

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(c) U.K. S.I. 1979 No. 1088.

**EXCEPTIONS TO COMPULSORY SEAT BELT  
FITTING REQUIREMENTS**

1. Section 1 does not apply in the case of—

- (a) a vehicle which was first registered in Guernsey before 1st January 1965;
- (b) a vehicle which was manufactured before 1st January 1965;
- (c) a goods vehicle having an unladen weight in excess of 1525 kilograms;
- (d) a passenger vehicle constructed or adapted to carry more than 12 passengers exclusive of the driver;
- (e) a motor cycle;
- (f) a pedestrian controlled vehicle;
- (g) an off-road industrial vehicle;
- (h) a vehicle which is designed, and is in fact used, primarily for work in connection with road construction or maintenance;
- (i) a vehicle incapable by reason of its construction of exceeding a speed of 20 miles per hour on the level under its own power;
- (j) a vehicle on a journey—
  - (i) from a place at which it has been imported to Guernsey to the place of residence of the vehicle's owner or driver; or
  - (ii) from any such place to a place where, by previous arrangement, it is to be fitted with the seat belts required by this Ordinance.

## 2. In this Schedule—

“goods vehicle” means a motor vehicle designed wholly or mainly for the carriage of goods or animals;

“motor cycle” means any two-wheeled motor vehicle and any other motor vehicle equipped with a driver’s seat of a type requiring the driver to sit astride it, but does not include a side-car;

“off-road industrial vehicle” means a motor vehicle which—

(a) is designed, and is in fact used, primarily for agricultural, horticultural, forestry, construction or industrial purposes off roads; and

(b) is neither suitable for use, nor in fact used, on roads except for purposes wholly incidental to its primary off-road use;

“passenger vehicle” means a vehicle constructed solely for the carriage of passengers and their effects;

“unladen weight” means the weight of a vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road, but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle and of loose tools and loose equipment.

### SEAT BELT INSTALLATION AND ANCHORAGE POINTS

1. The anchorage points to which a seat belt is secured shall be sufficient to hold the belt firmly in position.

2. A seat belt other than a disabled person's seat belt or a child restraint shall, if it is fitted in a vehicle first used on or after 1st April 1981, comply with the installation requirements of paragraphs 3.2.2 to 3.2.4 of Annex I to Community Directive 77/541(d), whether or not that Directive applies to the vehicle in which it is fitted.

3. An anchorage point fitted in a vehicle first used on or after 1st April 1982 shall comply with the requirements, other than those which relate to testing, of Community Directive 76/115(e) or 81/575(f) or 82/318(g) or ECE Regulation 14, whether or not those enactments apply to the vehicle in which it is fitted.

#### *Interpretation*

4. In this Schedule "ECE Regulation 14" means the Regulation numbered 14 of 30th January 1970 annexed to the Agreement concerning the adoption of uniform conditions of approval for Motor Vehicle Equipment and Parts and reciprocal recognition thereof concluded at Geneva on 20th March 1958.

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(d) O.J. L220, 22.8.77, p. 95.

(e) O.J. L24, 30.1.76, p. 6.

(f) O.J. L209, 29.7.81, p. 30.

(g) O.J. L139, 19.5.82, p. 9.

## CHILD RESTRAINTS

1. Every child restraint must be a seat belt designed and constructed (and not merely adapted) for the use of a child or young person.

2. It is hereby declared in the interests of clarity that a child restraint may be incorporated into a special child's chair.

3. A child restraint must be designed either—

(a) to be fitted directly to a suitable anchorage;

or

(b) to be used in conjunction with a seat belt designed for use by an adult and held in place by the restraining action of that belt;

and must in fact be so fitted or used.

4. A child restraint must be appropriate to the weight of the child wearing it in accordance with the indication of weight shown on the marking referred to in paragraph 5 of this Schedule.

5. A child restraint must be legibly and permanently marked—

(a) with a British Standard Mark consisting of the specification number of British Standard BS 3254:1960, BSAU157 or 157a, BSAU 185, BSAU 186 or 186a, or BSAU 202, and the registered certification trade mark of the British Standards Institution; or

- (b) with a mark designated as an approval mark by regulation 4 of the Motor Vehicles (Designation of Approval Marks) Regulations 1979 of the United Kingdom and shown at item 44 of Schedule 2 to those Regulations; or
- (c) with a mark which is shown to the satisfaction of the Committee to indicate that the belt complies with standards at least equivalent to those indicated by those marks.

EXCEPTIONS TO REQUIREMENT TO WEAR  
A SEAT BELT ETC.

1. Sections 6, 7 and 8 do not apply in relation to a person who is—

- (a) travelling in a vehicle whilst actually engaged, in the ordinary course of business, in the delivery or collection of goods or mail if the proximity of each delivery or collection point is such that he is constantly leaving and re-entering the vehicle;
- (b) driving a vehicle whilst performing a manoeuvre which includes reversing;
- (c) the holder of a full driving licence whilst supervising the holder of a provisional driving licence who is performing a manoeuvre which includes reversing;
- (d) the holder of a currently valid medical exemption certificate as defined in section 12(1);
- (e) an officer of police whilst protecting or escorting another person;
- (f) a person acting under powers similar to those of an officer of police in relation to the protection or escorting of another person;
- (g) an officer of police, or an official vehicle examiner, whilst engaged in the examination or testing of a vehicle;
- (h) a fireman donning operational clothing or equipment;

- (i) conducting a test of competence to drive, if his wearing a seat belt would endanger himself or another person;
- (j) travelling in a vehicle, being used under a trade licence, for the purpose of investigating or remedying a mechanical fault in the vehicle;
- (k) occupying a seat for which the seat belt either—
  - (i) does not comply with the requirements of section 4; or
  - (ii) has an inertia reel mechanism which is locked as a result of the vehicle in which it is fitted being, or having been, on a steep incline.

2. In this Schedule—

“fireman” means a member of the States Fire Brigade or of the Airport Fire Service;

“full driving licence” has the same meaning as “autorisation ordinaire” in the Law entitled “Loi Supplémentaire relative aux Automobiles (Autorisations à Conduire), 1939, “registered on 17th June 1939(h);

“officer of police” means a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

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(h) Ordres en Conseil Vol. XI, p. 299.

“official vehicle examiner” means a person appointed to examine vehicles on behalf of a States’ Committee;

“provisional driving licence” has the same meaning as “autorisation provisionnelle” in the Law entitled “Loi Supplémentaire relative aux Automobiles (Autorisations à Conduire), 1939”, registered on 17th June 1939;

“trade licence” means a licence issued under the Ordinance entitled “Ordonnance relative aux Licences de Commerçant accordables à l’égard d’Automobiles en usage dans un but commercial” of 26th November 1932<sup>(j)</sup>.

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<sup>(i)</sup> Ordinance No. III of 1986.

<sup>(j)</sup> Recueil d’Ordonnances Tome VIII, p. 229.

## SCHEDULE 6      Section 12(2)

PROCEDURE IN RELATION TO MEDICAL  
EXEMPTION CERTIFICATES*Application for medical exemption certificate*

1. An application for a medical exemption certificate under section 12 may be made—

(a) in the case of a certificate for a duration not exceeding three months, to a recognised medical practitioner;

(b) in any other case to the Committee.

2. An application made to the Committee in accordance with paragraph 1(b) of this Schedule shall be in such form (if any) as the Committee may from time to time by resolution determine.

*Grant or refusal of medical exemption certificate*

3. (1) A recognised medical practitioner to whom an application is made in accordance with paragraph 1(a) of this Schedule shall—

(a) if he is satisfied that it is inadvisable on medical grounds for the applicant to wear a seat belt, issue a certificate to that effect in such form (if any) as the Committee may from time to time by resolution determine; or

(b) if he is not so satisfied, refuse to issue a certificate and give written notice to the applicant, and, if the applicant so requests, to the Committee, of—

(i) his refusal;

(ii) his reasons;

(iii) the applicant's rights under this Schedule.

(2) The Committee shall refer any application made to it in accordance with paragraph 1(b) of this Schedule to the police surgeon, and, after taking into account his recommendations, shall—

- (a) if it is satisfied that it is inadvisable on medical grounds for the applicant to wear a seat belt, issue a certificate to that effect in such form (if any) as it may from time to time by resolution determine; or
- (b) if it is not so satisfied, refuse to issue a certificate and notify the applicant in writing of—
  - (i) its refusal;
  - (ii) its reasons;
  - (iii) the applicant's rights under this Schedule.

*Appeal against refusal of medical exemption certificate*

4. An applicant who is aggrieved by the refusal of a medical exemption certificate under section 12 may appeal to a panel composed of the Chairman and Vice-Chairman of the Guernsey and Alderney Division of the British Medical Association, and the Consultant Community Physician.

5. An appeal under paragraph 4 of this Schedule—

- (a) shall be instituted by an instrument in writing in such form (if any) as the Committee

may from time to time by resolution determine, setting out the material facts on which the appellant relies and served on the President of the Committee; and

- (b) shall be decided in accordance with such procedure as the panel referred to in that paragraph considers appropriate.

*Decision of panel on appeal*

6. A decision of the panel referred to in paragraph 4 of this Schedule—

- (a) may either uphold the refusal appealed against or require the recognised medical practitioner whose refusal is appealed against, or the Committee, as the case may be, to issue the medical exemption certificate applied for; and
- (b) shall be final.

*Fees and expenses*

7. (1) A recognised medical practitioner to whom an application is made in accordance with paragraph 1(a) of this Schedule may recover as a civil debt due to him from the applicant his reasonable professional fees and expenses in respect of the determination of the application.

(2) The reasonable professional fees and expenses of—

- (a) the police surgeon;
- (b) the panel referred to in paragraph 4 of this Schedule;

- (c) any recognised medical practitioner required by that panel to furnish it with information relating to an application refused by him,

shall be paid in the first instance by the Committee, but may be recovered by the Committee as a civil debt due to the States from the applicant, or the appellant, as the case may be.

*Interpretation*

8. In this Schedule—

“police surgeon” means any recognised medical practitioner for the time being appointed by the Committee as a police surgeon or a deputy police surgeon;

“recognised medical practitioner” is to be construed in accordance with the Doctors, Dentists and Pharmacists Ordinance, 1987(k).

K. H. TOUGH,  
Her Majesty's Greffier.