

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Seat Belts Ordinance, 1988 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Vol. XXIV, p. 328; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Seat Belts (Amendment) Ordinance, 2004 (No. XXVII of 2004, Recueil d'Ordonnances Tome XXIX, p. 511); the Seat Belts (Amendment) Ordinance, 2019 (No. V of 2019); the Seat Belts (Exemptions for Firemen) Order, 1988 (G.S.I. No. 40 of 1988); the Seat Belts (Exemptions for Taxi Drivers) Order, 1989 (G.S.I. No. 7 of 1989); the Seat Belts (Exemptions) Order, 2019 (G.S.I. No. 46 of 2019); the Seat Belts (Exemptions) Order, 2020 (G.S.I. No. 22 of 2020). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Road Traffic (Drink Driving) (Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 512); the Offences (Fixed Penalties) (Guernsey) Law, 2009 (No. XV of 2010); the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015 (No. XXII of 2015); the Resolution of the States of Guernsey of 24th April, 1991 (Billet XI, proposition 1(4)); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

ORDINANCE OF THE STATES OF DELIBERATION

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The Seat Belts Ordinance, 1988

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(Made on the 30th June, 1988.)

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

Compulsory fitting 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 [the driver's seat and all forward-facing passenger seats.]

NOTES

In section 1, the words in square brackets were substituted by the Seat Belts (Amendment) Ordinance, 2019, section 3; in accordance with the provisions of the Seat Belts (Amendment) Ordinance, 2019 (Commencement and Transitional Provisions) Regulations, 2019, regulation 2, to the extent this amendment requires the compulsory fitting of seat belts in seats other than the driver's seat and any specified passenger's seat, it came into force on 29th March, 2020.

In accordance with the provisions of the Road Traffic (Drink Driving) (Guernsey) Law, 1989, section 2A(7), Schedule, with effect from 11th February, 2004, offences under this Ordinance constitute "traffic offences" for the purposes of the 1989 Law.

Exceptions to section 1.

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

Seat belt installation and anchorage point.

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.

(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.

NOTE

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 3 of this Ordinance may be discharged by payment of a fixed penalty.

Maintenance of seat belts and anchorage points.

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) –

- (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

Consolidated text

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.

NOTE

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 3 of this Ordinance may be discharged by payment of a fixed penalty.

Offences under Part I.

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 [level 4 on the uniform scale].

NOTES

In section 5, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 3, section 4 and section 5 of this Ordinance may be discharged by payment of a fixed penalty.

PART II

WEARING OF SEAT BELTS

Adults to wear belts.

6. Subject to section 9, an adult shall not travel in any forward-facing

front [or rear] seat of a motor vehicle on a road –

- (a) if a seat belt is fitted in respect of that seat, unless [the adult] 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.

NOTES

In section 6, the words in the first and second pairs of square brackets were, respectively, inserted and substituted by the Seat Belts (Amendment) Ordinance, 2019, section 4(a) and section 4(b), with effect from 29th March, 2019.

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 6 of this Ordinance may be discharged by payment of a fixed penalty.

Young people to wear belts.

7. ...

NOTE

Section 7 was repealed by the Seat Belts (Amendment) Ordinance, 2019, section 5, with effect from 29th March, 2019.¹

[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.]

NOTES

Section 8 was substituted by the Seat Belts (Amendment) Ordinance, 2019, section 6, with effect from 29th March, 2019.

In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 8 of this Ordinance may be discharged by payment of a fixed penalty.

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.]

NOTES

Section 9 was substituted by the Seat Belts (Amendment) Ordinance, 2019, section 7, with effect from 29th March, 2019.²

The following Order has been made under section 9:

Seat Belts (Exemptions) Order, 2019.

[Children and young people to wear rear seat belts.

9A. ...]

NOTE

Section 9A (which was originally inserted by the Seat Belts (Amendment) Ordinance, 2004, section 1(a), with effect from 2nd August, 2004) was repealed by the Seat Belts (Amendment) Ordinance, 2019, section 8, with effect from 29th March, 2019.³

Offences under Part II.

10. (1) A person who contravenes [section 6 or section 8] is guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the uniform scale].

(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.

NOTES

In section 10,

the words and figures in the first pair of square brackets in subsection (1) were substituted by the Seat Belts (Amendment) Ordinance, 2019, section 9, with effect from 29th March, 2019;⁴

the words and figure in the second pair of square brackets in subsection (1) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

PART III
MISCELLANEOUS PROVISIONS

Disabled person's seat belt.

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

- (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 [or 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.

NOTE

In section 11, the words in square brackets were substituted by the Seat Belts (Amendment) Ordinance, 2019, section 10, with effect from 29th March, 2019.

Exemption on medical grounds.

12. (1) For the purposes of this Ordinance a "**medical exemption certificate**" means either –

- (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.

NOTE

The following Orders have been made under section 13:

Seat Belts (Exemptions for Firemen) Order, 1988;
Seat Belts (Exemptions for Taxi Drivers) Order, 1989;
Seat Belts (Exemptions) Order, 2019.

Interpretation.

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 [States Committee for Home Affairs],

"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 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,

^a Ordres en Conseil Vol. XXIV, p. 87.

"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 [Committee for [the Environment & Infrastructure]] pursuant to section 24 of the Ordinance entitled "Ordonnance supplémentaire à l'Ordonnance ayant rapport au Trafic Véhiculaire en cette Île" made permanent on 18th January 1932^b, and **"registered in Guernsey"** is to be construed accordingly,

[**"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,]

"medical exemption certificate" has the meaning assigned by section 12(1),

[**"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,

^b Recueil d'Ordonnances Tome VI, p. 89.

- (c) has four or more wheels, and
- (d) has a maximum laden weight not exceeding 3,500 kilograms,]

"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,

"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 medical examiner]" 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 Île" made permanent on 18th January 1932,

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

"**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,

["**taxi licence**" has the meaning assigned by paragraph 2 of Schedule 5,]

"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.

NOTES

In section 14,

the words in square brackets in the definition of the expression "Guernsey registered motor vehicle" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016;⁵

first, the words in square brackets within the square brackets in the definition of the expression "Guernsey registered motor vehicle" in subsection (1) were substituted, second, the definition of the expression "lap belt" therein was inserted, third, the words in square brackets in the definition of the expression "police medical examiner" in subsection (1) were substituted and, fourth, the definition of the expression "rear" therein was inserted by the Seat Belts (Amendment) Ordinance, 2019, section 11, respectively paragraph (a), paragraph (b), paragraph (c) and paragraph (d), with effect from 29th March, 2019;

the definition of the expression "motor car" in subsection (1) was

inserted by the Seat Belts (Amendment) Ordinance, 2004, section 1(c), with effect from 2nd August, 2004;

the definition of the expression "taxi licence" in subsection (1) was inserted by the Seat Belts (Exemptions for Taxi Drivers) Order, 1989, article 2, with effect from 20th February, 1989.

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President (and are now vested in the Committee for the Environment & Infrastructure pursuant to the amendment made by the Seat Belts (Amendment) Ordinance, 2019, section 11(a), with effect from 29th March, 2019) by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁶

In accordance with their Resolution of 24th April, 1991, concerning Billet d'État No. XI, dated 12th April, 1991, the States directed that the Island Police Committee as established under Article 2 of the Loi ayant rapport à la Police Salariée pour l'Île entière, 1920, the States Committees (Amendment) Law, 1948 and the Police Committee (Amendment) Law, 1990 should be the States Committee for Home Affairs. The functions, rights and liabilities of the States Committee for Home Affairs and of its President arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Home Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 9, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance. The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were subsequently transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The European Communities (Bailiwick of Guernsey) Law, 1973 has since been repealed by the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, section 1, with effect from 11 p.m. on 31st December, 2020, subject to the saving in section 2 of the 2018 Law.

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 punished accordingly.

(2) For the purposes of this section a person is deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of that body corporate or any of them act.

Citation.

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

Commencement.

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

SCHEDULE 1

Section 1

REQUIREMENTS FOR COMPULSORY SEAT BELTS

1. [Subject to [paragraphs 2A and 2B], 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. [Subject to [paragraphs 2A and 2B], 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.

[**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.]

[**2B.** (1) A compulsory seat belt fitted in an unbodied vehicle may be a lap belt installed in accordance with paragraph 3.1.2.1 of Annex I to Community Directive 77/541.

(2) For the purposes of this paragraph "**unbodied vehicle**" means a vehicle for which the passenger compartment is not bounded by at least four of all of the following features: windscreen, floor, roof, and side and rear walls or doors.]

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^c and shown at item 16 of Schedule 2 or item 23 or 23A of Schedule 4 to those Regulations.

NOTE

In Schedule 1,

first, the words and punctuation "Subject to ... , every" in square brackets, wherever occurring, were substituted and, second, paragraph 2A was inserted by the Seat Belts (Amendment) Ordinance, 2019, section 12, respectively paragraph (a) and paragraph (b), with effect from 29th March, 2019;

first, the words "paragraphs 2A and 2B" within square brackets, wherever occurring were substituted and, second, paragraph 2B was inserted by the Seat Belts (Exemptions) Order, 2020, respectively article 1(a) and article 1(b), with effect from 9th March, 2020.

^c U.K. S.I. 1979 No. 1088.

SCHEDULE 2

Section 2

EXCEPTIONS TO COMPULSORY SEAT BELT FITTING REQUIREMENTS

1. Section 1 does not apply in the case of –
 - [(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,]
 - (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.

NOTE

In Schedule 2, sub-paragraphs (a) and (b) of paragraph 1 were substituted by the Seat Belts (Amendment) Ordinance, 2019, section 13, with effect from 29th March, 2019.

SCHEDULE 3

Section 3

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 lap belt,] a disabled person's seat 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.

NOTE

In Schedule 3, the words in square brackets in paragraph 2 were inserted by the Seat Belts (Amendment) Ordinance, 2019, section 14, with effect from

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.

29th March, 2019.

SCHEDULE 4

Section 8(a)

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, BSAU 157 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.

SCHEDULE 5

Section 9

EXCEPTIONS TO REQUIREMENT TO WEAR A SEAT BELT ETC.

1. [Section 6 does 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 who is –
 - (i) driving a vehicle which has an unladen weight in excess of 1525 kilograms, or
 - (ii) donning operational clothing or equipment,in the course of his duties,]
 - (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,
 - [(l) driving a vehicle in respect of which a taxi licence has been granted, whilst actually carrying a passenger for hire or reward].

[**1A.** The prohibition in section 8 does not apply in relation to –

- (a) a child who is riding in the rear of a motor car in respect of which a taxi licence or private hire motor car licence has been granted, whilst the said motor car is actually carrying a passenger for hire or reward, where the child –
 - (i) is under the age of three years, if no appropriate seat belt is available for the child in the front or rear of the motor car, provided that the child is accompanied by an adult who is also travelling as a passenger for hire or reward and who assumes responsibility for the child, or
 - (ii) has attained the age of three years, if no appropriate seat belt is available for the child in the front or rear of the motor car, and the child is wearing a seat belt conforming to the requirements set out in Schedule 1,
- (b) a child who has attained the age of three years, who is wearing a seat belt conforming to the requirements set out in Schedule 1, where the use of child restraints by the child occupants of two seats in the rear of the motor car prevents the use of an appropriate seat belt for that child and no appropriate seat belt is available for that child in the front of the vehicle,
- (c) a child who has attained the age of 12 years, or a child who is under that age but who is 135 centimetres in height or more, who is in the rear of the motor car, if no

appropriate seat belt is available for that child in the rear of that vehicle.]

2. In this Schedule –

["**appropriate seat belt**" means a seat belt which conforms to the provisions of section 8 in relation to the age and height of the child in question,]

"**fireman**" means a member of the States Fire Brigade or of the Airport Fire Service,

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

"**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,

"**official vehicle examiner**" means a person appointed to examine vehicles on behalf of a States' Committee,

["**private hire motor car licence**" means a public service vehicle licence granted in respect of a motor car under section 7 of the Public Transport Ordinance, 1986 for the use of that vehicle to operate a private hire motor car service, as defined in that Ordinance,]

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

["**taxi licence**" means a public service vehicle licence granted in

respect of a motor vehicle under section 7 of the Public Transport Ordinance, 1986ⁱ for the use of that vehicle to operate a taxi service, as defined in that Ordinance,]

"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^j.

NOTES

In Schedule 5,

first, the words in square brackets in paragraph 1, second, the definition of the expression "full driving licence" in paragraph 2 and, third, the definition of the expression "provisional driving licence" therein were substituted by the Seat Belts (Amendment) Ordinance, 2019, section 15, respectively paragraph (a), paragraph (b) and paragraph (c), with effect from 29th March, 2019;

sub-paragraph (h) of paragraph 1 was substituted by the Seat Belts (Exemptions for Firemen) Order, 1988, article 1, with effect from 12th December, 1988;

sub-paragraph (l) of paragraph 1, and the definition of the expression "taxi licence" in paragraph 2, were inserted by the Seat Belts (Exemptions for Taxi Drivers) Order, 1989, respectively article 1(a) and article 1(b), with effect from 20th February, 1989;

first, paragraph 1A and, second, the definitions of the expressions "appropriate seat belt" and "private hire motor car licence" in paragraph 2 were inserted by the Seat Belts (Exemptions) Order, 2019, respectively article 2 and article 3, with effect from 29th March, 2019.

In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.

ⁱ Ordinance No. III of 1986.

^j 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 medical examiner], 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 medical examiner],

- (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 medical examiner**" means any recognised medical practitioner for the time being appointed by the Committee as such,]

"**recognised medical practitioner**" is to be construed in accordance with the Doctors, Dentists and Pharmacists Ordinance, 1987^k.

NOTES

In Schedule 6, first, the words "police medical examiner" in square brackets, wherever occurring, and, second, the definition of the expression "police medical examiner" in paragraph 8 were substituted by the Seat Belts (Amendment) Ordinance, 2019, section 16, respectively paragraph (a) and paragraph (b), with effect from 29th March, 2019.

In accordance with the provisions of the Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015, section 27(2), with effect from 3rd December, 2015, references in this enactment to a "recognised medical practitioner" are to be construed as references to a registered practitioner within the meaning of section 26(1) of the 2015 Ordinance.

^k Ordinance No. XVII of 1987.

1 The corresponding entry in the Arrangement of Sections was repealed by the Seat Belts (Amendment) Ordinance, 2019, section 2(a), with effect from 29th March, 2019; and, prior to its repeal, in accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 7 may have been discharged by payment of a fixed penalty.

2 The corresponding words "sections 6 and 8" in the Arrangement of Sections were substituted by the Seat Belts (Amendment) Ordinance, 2019, section 2(b), with effect from 29th March, 2019; and, prior to its substitution, in accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 9 may have been discharged by payment of a fixed penalty.

3 The corresponding entry in the Arrangement of Sections was repealed by the

Seat Belts (Amendment) Ordinance, 2019, section 2(a), with effect from 29th March, 2019; and, prior to its repeal, in accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 9A may have been discharged by payment of a fixed penalty.

⁴ These words were previously substituted, in part, by the Seat Belts (Amendment) Ordinance, 2004, section 1(b), with effect from 2nd August, 2004.

⁵ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), with effect from 6th May, 2004.

⁶ The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.