WEARING OF SEAT BELTS IN MOTOR VEHICLES

SUBSIDIARY LEGISLATION 65.12

WEARING OF SEAT BELTS IN MOTOR VEHICLES
REGULATIONS

23rd September, 2003;
1st January, 2004;
1st June, 2004

LEGAL NOTICE 252 of 2003.

Part I
PRELIMINARY

1. The title of these regulations is the Wearing of Seat Belts in Motor Vehicles Regulations.

2. In these regulations, unless the context otherwise requires:

"adult" means a person who is over the age of twelve years;

"certification of medical exemption" means a certificate drawn up in terms of the Second Schedule and issued by a competent medical authority, certifying that it is inadvisable on medical grounds for a person to wear a seat belt;

"Chairman" means the Chairman of the Malta Transport Authority;

"child" means a person who is under the age of twelve years and is less than 150 centimetres in height;

"child restraint system" means a system combining a seat, fixed to the structure of the vehicle by appropriate means which has at least one anchorage point located on the seat structure carrying the United Nations "E" mark or BS "kitemark";

"child safety lock" means a lock which can only be operated by an adult and cannot be tampered with or operated by a child;

"competent medical authority" means a medical practitioner or group of medical practitioners;

"driver" means the person who drives a motor vehicle on the public highway;

"front seat" in relation to a vehicle means a seat which is wholly or partially in the front of the vehicle;

"gross vehicle weight" or "g.v.w" means the road weight specified by the manufacturer as being the maximum design weight capacity of the vehicle, such weight being the combined weight of the vehicle, the maximum specified load, the driver and a tank of fuel;

"light goods vehicle" means a goods vehicle which has a maximum gross vehicle weight not exceeding 3.5 tonnes g.v.w;:

"M2 vehicle" means a vehicle which is designed to carry passengers and is fitted with more than eight seats in addition to the driver’s seat, which has a maximum gross vehicle weight, which
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does not exceed 3.5 tonnes g.v.w., and which is not constructed or adapted for the carriage of standing passengers;

"passenger car" means a vehicle designed to carry passengers which has up to eight seats excluding the driver’s seat;

"public highway" means national arterial, distributor, access and local access roads;

"rear seat" in relation to a vehicle, means any seat which is not a front seat;

"seat" means a system which may or may not be integral with the vehicle structure complete with trim intended to seat one adult person. The term covers both an individual seat and part of a bench intended to seat one person;

"seat belt" means an assembly of straps with a securing buckle, adjusting devices and attachments capable of being anchored inside a power-driven vehicle and designed to diminish the risk of injury to the person wearing it;

"vehicle" means a motorised vehicle which is designed for use on the public highway, which has at least four wheels and a maximum design speed exceeding twenty-five kilometres per hour;

"young child" means a person who is under the age of three years.

Part II

WEARING OF SEAT BELTS BY ADULTS

3. Every driver on the public highway shall wear a seat belt when using any of the following categories of vehicles:

(a) passenger cars;

(b) M2 vehicles; and

(c) light goods vehicles:

Provided that the occupied seats are fitted with such equipment.

4. Every adult, travelling as a front seat passenger on the public highway, shall wear a seat belt when using any of the following categories of vehicles, provided that the occupied seats are fitted with such equipment:

(a) passenger cars;

(b) M2 vehicles; and

(c) light goods vehicles.

5. Every adult, travelling as a rear seat passenger on the public highway shall wear a seat belt when using a passenger car, provided that the occupied seats are fitted with such equipment.

6. Every adult, travelling as a rear seat passenger shall first occupy the rear seat equipped with seat belts and then occupy the other seats.
Part III
WEARING OF SEAT BELTS AND USE OF RESTRAINT SYSTEMS BY CHILDREN

7. (1) A young child travelling in the front seat of any vehicle shall always be carried in a child restraint system that is suitable to the child’s weight as set out in the First Schedule.

(2) No adult seat belt shall be applied to a young child.

(3) A child restraint system facing the rear seat shall not be fitted to a front seat protected by an airbag unless such airbag has been deactivated.

8. (1) A child travelling either as a front seat passenger or a rear seat passenger shall be restrained using a child restraint system that is suitable for the child’s weight as set out in the First Schedule when using a passenger car.

(2) A child travelling as a front seat passenger shall be restrained using a child restraint system that is suitable for the child’s weight, as set out in the First Schedule, when using any of the following category of vehicles:

(a) M2 vehicles, and

(b) light goods vehicles.

9. A child shall first occupy a seat equipped with a child restraint system that is suitable for the child’s weight as set out in the First Schedule and only after that occupy other seats not equipped with such restraint systems.

10. If a child restraint system has not been fitted to the vehicle, a seat belt, if available, must be worn at all times by a child provided that no seat belt shall be worn by a young child.

11. The Chairman may specify by notice in the Gazette the year of production of such motor vehicles that shall be fitted with seat belts.

12. If the vehicle has not been equipped with a passenger seat belt on which a child restraint device can be affixed, a person shall not drive a motor vehicle on a public highway with a young child in the rear of the vehicle unless that child is seated next to an adult person, or unless the rear doors of the vehicle are fitted and locked with a child-safety lock.

13. No person shall have a seat belt removed from a vehicle that has been manufactured with such a device fitted as a standard feature.

Part IV
EXEMPTIONS

14. The provisions of these regulations shall not apply to any person who is -

(a) using a motor vehicle constructed or adapted for the delivery or collection of goods when carrying out local rounds of deliveries or collections; or
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(b) reversing or manoeuvring the motor vehicle for a short distance in a limited space; or

(c) a qualified driver and supervising the holder of a provisional learning licence when the holder is performing any manoeuvre mentioned in paragraph (b); or

(d) in possession of a certification of medical exemption as provided in the Second Schedule; or

(e) a member of the Police Force or of the Prison Service while protecting or escorting persons; or

(f) in the service of a fire brigade and is wearing operational clothing or equipment; or

(g) a medical officer or an attendant whilst attending to patients travelling in any ambulance; or

(h) conducting a driving competence test; or

(i) the driver of a taxi-car while seeking hire or answering a call for hire, or carrying a passenger for hire, as the case may be.

Criminal liability. 15. Whenever an offence against the provisions of these regulations has been committed, criminal liability shall lie as follows:

(a) in respect of regulations 3, 7, 8, 9 and 10, criminal liability shall vest in the driver of the vehicle;

(b) in respect of regulations 4, 5 and 6, criminal liability shall vest in the passenger of the vehicle who is not wearing a fitted seat belt at the time of the commission of the offence if such passenger is over the age of sixteen years;

(c) in respect of regulations 4, 5 and 6, where no passenger as defined in paragraph (b) is present in the vehicle, criminal liability shall vest in the driver;

(d) in respect of regulation 12 criminal liability shall vest with the registered user or the owner of the vehicle, unless such user proves before or during the proceedings that the vehicle was being used on the public highway, at the time the offence was committed, without his permission or authority;

(e) in respect of regulation 13, criminal liability shall vest with the person who instructed the removal of the seat belt.

Fines and penalties. 16. Any person found guilty of committing any offence mentioned in these regulations shall, on conviction, be liable to a fine (ammenda) of not less than ten liri and not exceeding twenty five liri.
FIRST SCHEDULE

(Regulations 7, 8 and 9)

ADVISORY NOTICE ON THE USAGE OF CHILD RESTRAINT SYSTEMS

<table>
<thead>
<tr>
<th>CHILD RESTRAINT TYPE</th>
<th>WEIGHT RANGE</th>
<th>AGE RANGE (APPROX.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BABY SEAT</td>
<td>UP TO 10 KGs</td>
<td>BIRTH TO 9 MONTHS</td>
</tr>
<tr>
<td>CHILD SEAT</td>
<td>9 KGs TO 18 KGs</td>
<td>6 MONTHS TO 4 YEARS</td>
</tr>
<tr>
<td>BOOSTER SEAT</td>
<td>9 KGs TO 25 KGs</td>
<td>6 MONTHS TO 6 YEARS</td>
</tr>
<tr>
<td>BOOSTER CUSHION</td>
<td>15 KGs TO 36 KGs</td>
<td>4 YEARS TO 11 YEARS</td>
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</tbody>
</table>

SECOND SCHEDULE

(Regulation 14(d))

MODEL MEDICAL CERTIFICATE

Certification of Medical Exemption

MALTA TRANSPORT AUTHORITY

This is to certify that ...........................................................

who resides at ......................................................... I.D. No. ....................

is exempt from wearing a seat belt in any vehicle for a period of 1 year/5 years* on medical grounds as from the date of issue of this certificate.

DETAILS OF COMPETENT MEDICAL AUTHORITY

Dr. .......................... [name in blocks]  ID No. ...........................

........................................... [signature] Date:.........................

* delete as appropriate