

SUBSIDIARY LEGISLATION 65.12**MOTOR VEHICLES (WEARING OF SEAT BELTS)
REGULATIONS**

27th July, 2007

*LEGAL NOTICE 200 of 2007, as amended by Legal Notices 408 of 2007,
259 of 2011 and 392 of 2014.*

Part I**PRELIMINARY**

1. The title of these regulations is the Motor Vehicles (Wearing of Seat Belts) Regulations. Title.

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

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

"car for hire" means a motor vehicle which is constructed to have a seating capacity of not more than five passengers, excluding the driver, and which is licensed to be hired from a public service garage to be driven by the owner of such garage or by such other person as is authorised by him;

"certificate 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;

"child" means a person who is three years of age or over but who is under the age of twelve years;

"child restraint system" means a device combining a seat, fixed to the structure of the vehicle by appropriate means which, until the 9th May, 2008, has at least one anchorage point located on the seat structure carrying the United Nations 'E' mark or BS 'kitemark', and which, after the 9th May, 2008 conforms with UN-ECE Regulation 44/03 or Directive 77/541/EEC or UNECE Regulation 129 or any other subsequent adaptation thereto and which shall be installed in accordance with fitting information (such as those found in the instruction manual, leaflet or electronic publication) provided by the manufacturer of the child restraint system declaring in what manner and in which vehicle types the system may be safely used.

Child-restraint systems are subdivided into two classes -

- (a) an integral class comprising a combination of straps or flexible components with a securing buckle, adjusting device, attachments and, in some cases, a supplementary chair and/or impact shield, capable of being anchored by means of its own integral strap or straps; and
- (b) a non-integral class that may comprise a partial restraint which, when used in conjunction with an adult belt which passes around the body of the child or

Interpretation.
Amended by:
L.N. 259 of 2011;
L.N. 392 of 2014.

restrains the device in which the child is placed, forms a complete child-restraint system;

"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 alongside the driver's seat;

"motor vehicle" means, for the purpose of these regulations, any mechanically self-propelled vehicle intended for use on the public highway, having at least four wheels and a maximum designed speed exceeding 25 kilometres per hour;

S.L. 65.21 "M1, M2 and M3 motor vehicles" have the same meaning assigned to them by the Motor Vehicles (Weights, Dimensions and Equipment) Regulations;

Provided that for the purpose of these regulations M2 and M3 vehicles do not include route buses;

S.L. 65.21 "N1, N2 and N3 motor vehicles" have the same meaning assigned to them by the Motor Vehicles (Weights, Dimensions and Equipment) Regulations;

"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, or a driver's seat or a seat alongside the driver's seat;

"rearward-facing" means facing in the direction opposite to the normal direction of travel of the vehicle;

"route bus" means a vehicle designed to carry also standing passengers, and which is normally used to provide a scheduled service;

"safety system" means any seat belt or child-restraint system which is designed to diminish the risk of injury to its wearer, in the event of collision or of abrupt vehicle deceleration, by limiting the mobility of the wearer's body;

"seat" means a structure 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. It may include a lap belt, a diagonal belt, a three-point belt or a harness belt;

"taxi" means a motor vehicle fitted with a taximeter and registered and licensed to ply for hire as a taxi;

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

WEARING OF SEAT BELTS BY ADULTS

3. Every driver of any motor vehicle which is not a route bus shall wear a seat belt while driving the vehicle on the public highway:

Wearing of seat belts by drivers.

Provided that this shall be the case insofar as the driver seat is fitted with a seat belt.

4. Every adult, travelling in the front seat or in a rear seat of a motor vehicle, which is not a route bus, shall wear a seat belt while the vehicle is being used on the public highway:

Wearing of seat belts in the front and rear seats.

Provided that this shall be the case insofar as the said front or rear seat, as the case may be, is fitted with a seat belt.

5. Every adult, travelling as a rear seat passenger, shall first occupy the rear seat equipped with a seat belt and then occupy the other seats.

Priority of seat occupation.

Part III

WEARING OF SEAT BELTS AND USE OF RESTRAINT SYSTEMS BY CHILDREN

6. (1) A young child shall not travel in any M1, N1, N2 or N3 motor vehicle that is not fitted with a safety system.

Restraint of young children.
Substituted by:
L.N. 392 of 2014.

(2) A young child travelling in any M1, N1, N2 or N3 motor vehicle that is fitted with a safety system shall always be carried in a child restraint system that is suitable to the child's weight as set out in the First Schedule.

(3) A young child shall not be transported in a rearward-facing child restraint system fitted to a front seat protected by an airbag unless such airbag is deactivated.

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

7. (1) A child travelling either as a front seat passenger or a rear seat passenger in an M1, N1, N2 or N3 motor vehicle shall be restrained using a child restraint system for the child's weight as provided for in the First Schedule.

Restraint of children.
Amended by:
L.N. 392 of 2014.

(2) A child travelling in an M2 or M3 motor vehicle, which is not a route bus, shall use the safety systems provided.

(3) A child who is less than 150 cm in height but not less than 135 cm in height travelling in a motor vehicle may be restrained by a safety belt for adults if a child restraint is not available.

(4) A child who is less than 150cm in height travelling in any M1, N1, N2 or N3 motor vehicle that is fitted with a safety system shall be restrained by an integral or non-integral child restraint system for the child's weight as provided for in the First Schedule.

(5) Where no safety systems are fitted in M1, N1, N2 and N3 vehicles, a child who is less than 150 cm in height shall occupy a seat other than a front seat.

(6) Children referred to in subregulations (2) and (3) may not be restrained by a child restraint system while travelling in a taxi.

Priority of seat occupation for children.

8. 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.

Prohibition of removal of seat belts.

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

Part IV

GENERAL

Exemptions.

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

- (a) the driver of or a passenger in a motor vehicle constructed or adapted for the delivery or collection of goods or mail when carrying out local rounds of deliveries or collections; or
- (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 certificate 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) a disabled person who is wearing a disabled person's belt or a disabled person who is unable to use a standard belt; or
- (j) the driver of a licensed taxi or car for hire while carrying a passenger or passengers for hire.

Information to passengers.

11. Passengers in M2 and M3 motor vehicles fitted with safety systems shall be informed of the requirement to wear safety belts whenever they are seated and the vehicle is in motion either by the driver of the vehicle or by means of signs as provided for in the Third Schedule, prominently displayed at every seating position, or by the courier or official designated as group leader.

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

- (a) in respect of regulations 3, 6, 7 and 8 criminal liability shall vest in the driver of the vehicle:

Provided that such vehicle is not an M3 motor vehicle;

- (b) in respect of regulations 4 and 5, 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 aged sixteen years and over;
- (c) in respect of regulations 4 and 5, 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 9, criminal liability shall vest with the person who instructed the removal of the seat belt.

13. (1) Any driver found guilty of committing an offence in breach of regulations 3, 4, 5, 6, 7(1) and 8 shall, on conviction, be liable to a fine (*ammenda*) not exceeding forty-six euros and fifty-nine cents (46.59).

Offences and
penalties.
Amended by:
L.N. 408 of 2007.

(2) Any passenger aged sixteen years or over who is found guilty of committing an offence in breach of regulations 4 and 5 shall, on conviction, be liable to a fine (*ammenda*) not exceeding forty-six euros and fifty-nine cents (46.59) if that person had not been wearing a seatbelt while travelling as front seat passenger, and to a fine (*ammenda*) not exceeding twenty-three euros and twenty-nine cents (23.29) if that person had not been wearing a seatbelt while travelling as a rear seat passenger.

(3) Any person found guilty of committing any offence in breach of regulation 9 shall, on conviction, be liable to a fine (*ammenda*) not exceeding fifty-eight euros and twenty-three cents (58.23).

FIRST SCHEDULE

(Regulations 6, 7 and 8)

CLASSIFICATION OF CHILD RESTRAINTS

Group 0	for children of a mass of less than 10 kg
Group O+	for children of a mass of less than 13 kg
Group I	for children of a mass between 9 kg and 18 kg
Group II	for children of a mass between 15 kg and 25 kg
Group III	for children of a mass between 22kg and 36 kg

SECOND SCHEDULE

(Regulation 10(d))

MODEL MEDICAL CERTIFICATE

	
Certification of Medical Exemption	MALTA TRANSPORT AUTHORITY
This is to certify that who resides at ID. No. is exempt from wearing a seat belt in any vehicle for a period of 1 year / 5years * 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	

THIRD SCHEDULE

(Regulation 11)

SIGN WHICH MAY BE DISPLAYED AT EVERY SEATING POSITION FITTED
WITH A SAFETY BELT IN M2 AND M3 VEHICLES

(Colours: a white figure on a blue background)


