L.N. 200 of 2007

TRAFFIC REGULATION ORDINANCE (CAP. 65)

MALTA TRANSPORT AUTHORITY ACT (CAP 332)

Motor Vehicles (Wearing of Seat Belts) Regulations, 2007

IN exercise of the powers conferred by article 54 of the Traffic Regulation Ordinance and article 32 of the Malta Transport Authority Act, the Minister for Urban Development and Roads has, after consultation with the Malta Transport Authority, made the following regulations-

Part 1

PRELIMINARY

Title.

1. The title of these regulations is the Motor Vehicles (Wearing of Seat Belts) Regulations, 2007.

Interpretation.

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

"adult" means a person who is 12 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 to these regulations 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 " 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 any other subsequent adaptation thereto;

"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;

"M1, M2 and M3 motor vehicles" have the same meaning assigned to them by the Motor Vehicles (Weights, Dimensions and Equipment) Regulations, 2003:

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

"N1, N2 and N3 motor vehicles" have the same meaning assigned to them by the Motor Vehicles (Weights, Dimensions and Equipment) Regulations, 2003;

"public highway" means national arterial, distributor, acess 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;

"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.

Part II

WEARING OF SEAT BELTS BY ADULTS

Wearing of seat belts by drivers.

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:

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

Wearing of seat belts in the front and rear seats.

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:

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.

Priority of seat occupation.

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.

Part III

WEARING OF SEAT BELTS AND USE OF RESTRAINT SYSTEMS BY CHILDREN

Restraint of young children in the front seat.

6. (1) A young child travelling in the front seat of any M1, N1, N2 and N3 motor 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 to these regulations.

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

(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 has been deactivated.

(4) A young child shall not travel in the front seat of a motor vehicle that is not fitted with a safety system.

(5) A young child shall be carried in a child restraint when travelling in the rear seat of a motor vehicle fitted with a safety system.

(6) A young child shall not travel in the rear seat of a motor vehicle that is not fitted with a safety system unless that child is accompanied by an adult passenger.

Restraint of children.

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 to these regulations.

(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) 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.

(5) Children referred to in sub-regulations (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 to these regulations 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 to these regulations; 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 to these regulations, 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: Criminal liability.

(*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 twenty liri. Fines and penalties.

(2) Any passenger aged 16 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 twenty liri if that person had not been wearing a seatbelt while travelling as front seat passenger, and to a fine *(ammenda)* not exceeding ten liri 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 twenty-five liri.

14. The Motor Vehicles (Wearing of Seat Belts) Regulations, 2003, are hereby repealed. Repeals L.N. 252 of 2003.

FIRST SCHEDULE

(Regulations 6, 7 and 8)

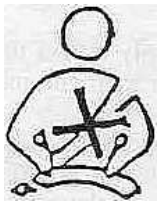
CLASSIFICATION OF CHILD RESTRAINTS

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 …….. I.D. 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)



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