



THE TRAFFIC REGULATIONS 1976, AMENDMENT NO. 11

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 18th day of June 1984

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 77, 77A, and 199 of the Transport Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Correction 3. Interpretation 4. New regulations relating to use of child restraints and seat belts substituted <ol style="list-style-type: none"> 30. Children under 8 years to be restrained in child restraints or seat belts if available 30A. Children under 15 years to be restrained if in front seat 30B. Seat belts to be worn by persons of or over 8 years 30C. Exemptions from requirements relating to use of child restraints and seat belts | <ol style="list-style-type: none"> 5. New regulations relating to fitting of seat belts substituted <ol style="list-style-type: none"> 78. Fitting of seat belts to vehicles first registered between 1 January 1955 and 1 November 1979 78A. Fitting of seat belts to vehicles first registered on or after 1 November 1979 78B. Exemptions from requirements to fit seat belts 78C. Seat belts to be kept secure and properly maintained 78D. Defence of reasonable attempt to obtain or replace seat belt 6. Mopeds and motorcycles to be fitted with footrests 7. Consequential revocations Schedule |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Traffic Regulations 1976, Amendment No. 11, and shall be read together with and deemed part of the Traffic Regulations 1976* (hereinafter referred to as the principal regulations).

*S.R. 1976/227

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| Amendment No. 1: | S.R. 1978/72 |
| Amendment No. 2: | S.R. 1978/301 |
| Amendment No. 3: | <i>(Revoked)</i> |
| Amendment No. 4: | S.R. 1980/31 |
| Amendment No. 5: | S.R. 1980/115 |
| Amendment No. 6: | S.R. 1981/158 |
| Amendment No. 7: | S.R. 1981/311 |
| Amendment No. 8: | S.R. 1982/93 |
| Amendment No. 9: | S.R. 1983/282 |
| Amendment No. 9: | S.R. 1984/31 |

(2) Except as provided in regulation 2 (2) of these regulations, these regulations shall come into force on the 1st day of September 1984.

2. Correction—(1) Regulation 1 (1) of the Traffic Regulations 1976, Amendment No. 9 (S.R. 1984/31) is hereby amended by omitting the expression “Amendment No. 9”, and substituting the expression “Amendment No. 10”.

(2) This regulation shall come into force on the day after the date of its notification in the *Gazette*.

3. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by revoking the definition of the term “approved”, and substituting the following definition:

“ ‘Approved’—

“(a) In relation to seat belts and child restraints, means approved by the Secretary under section 77B of the Act:

“(b) In relation to any other appliance, apparatus, device, system, component, equipment, or fitting, means approved by the Secretary under these regulations:”.

(2) Regulation 2 of the principal regulations is hereby amended by revoking the definition of the term “seat belt”.

4. New regulations relating to use of child restraints and seat belts substituted—The principal regulations are hereby amended by revoking regulation 30 (as substituted by regulation 2 of the Traffic Regulations 1976, Amendment No. 2), and substituting the following regulations:

“30. Children under 8 years to be restrained in child restraints or seat belts if available—Every driver of a motor vehicle in which there is a child under the age of 8 years shall ensure that, while the vehicle is in motion on a road,—

“(a) That child is properly restrained by an approved child restraint appropriate for that child, if such a restraint is available in the vehicle; or

“(b) If such a restraint is not available in that vehicle, that child is restrained as securely as practicable in the circumstances using any child restraint or seat belt that is available (whether that child restraint or seat belt is approved or not).

“30A. Children under 15 years to be restrained if in front seat—No driver of a motor vehicle shall, while the vehicle is in motion on a road, permit any child under the age of 15 years who is not properly restrained by an approved child restraint or seat belt appropriate for that child to be alongside the driver, unless—

“(a) The vehicle is not provided with sitting positions behind the driver’s seat; or

“(b) All the sitting positions behind the driver’s seat are occupied by children under the age of 15 years.

“30B. Seat belts to be worn by persons of or over 8 years—(1) Every driver of a motor vehicle shall ensure that, while the vehicle is in motion on a road, every person in the motor vehicle who—

“(a) Is of or over the age of 8 years but under the age of 15 years; and

“(b) Is occupying a seat that is fitted with a seat belt (whether that seat belt is an approved seat belt or not)—

wears the belt and that the belt is securely fastened.

“(2) Every person of or over the age of 15 years who is in a motor vehicle in motion on a road and who is occupying a seat that is fitted with a seat belt (whether that seat belt is an approved seat belt or not) shall wear the belt and shall ensure that it is securely fastened.

“30C. **Exemptions from requirements relating to use of child restraints and seat belts**—(1) The requirements of regulations 30, 30A, and 30B of these regulations shall not apply to any driver of any vehicle in respect of himself or any child, or to any passenger in any vehicle, if the driver or passenger produces to a constable or traffic officer, whenever required to do so by that constable or traffic officer, a certificate from a registered medical practitioner certifying that the restraining of the person who would otherwise be required by those regulations to be restrained by a child restraint or seat belt is impracticable or undesirable for medical reasons.

“(2) The driver of or any passenger in any vehicle shall be deemed to have complied with any requirement under subclause (1) of this regulation if, within 7 days after having been so required to produce a certificate, he produces it at a place specified by the constable or traffic officer.

“(3) The requirements of regulations 30, 30A, and 30B of these regulations shall not apply to any driver in respect of himself or any child in a vehicle, or to any passenger in a vehicle, where the person who would otherwise be required by those regulations to be restrained by a child restraint or seat belt—

“(a) Is the driver of the vehicle and, while complying with the requirements of those regulations, could not reasonably operate effectively any of the following items of equipment:

“(i) Footbrake or handbrake:

“(ii) Headlight dipping switch:

“(iii) Direction-indicator control:

“(iv) Horn:

“(v) Windscreen-wiper control:

“(vi) Choke:

“(vii) Driver’s sun visor:

“(b) Is the driver of the vehicle that is travelling in reverse, and if the driver were to comply with the requirements of those regulations he would not be able to reverse the vehicle in a safe manner:

“(c) Is the driver of a taxicab plying for hire:

“(d) The person is engaged in the course of his employment in—

“(i) The delivery or collection of mail, newspapers, or other goods: or

“(ii) The servicing of the vehicle: or

“(iii) Meter reading or other similar duties: or

“(iv) Spraying or other similar duties from the vehicle— that require him to alight from and re-enter the vehicle at frequent intervals, and while any such person is in the vehicle it is travelling at a speed that is not in excess of 50 kilometres per hour.”

5. New regulations relating to fitting of seat belts substituted—The principal regulations are hereby amended by revoking regulation 78, and substituting the following regulations:

“78. Fitting of seat belts to vehicles first registered between 1 January 1955 and 1 November 1979—(1) No person shall operate any motorcar or any goods-service vehicle with a tare weight of less than 2000 kg being, in either case, a vehicle first registered on or after the 1st day of January 1955 and before the 1st day of November 1979, unless it is fitted with—

“(a) A 3-point lap and diagonal seat belt of a type approved for that vehicle (or some other seat belt of a type specifically approved for that vehicle or class of vehicle), for the use of the driver; and

“(b) In the case of a vehicle with one or more sitting positions alongside the driver, at least one other 3-point lap and diagonal seat belt of a type approved for that vehicle (or some other seat belt of a type specifically approved for that vehicle or class of vehicle), for the use of any passenger who may occupy the sitting position nearest the opposite side of the vehicle to the driver.

“(2) Nothing in subclause (1) of this regulation shall apply in respect of any vehicle that was, on the 1st day of January 1975, fitted, and remains fitted, with—

“(a) A seat belt of a type previously approved by the Secretary for the use of the driver; and

“(b) In the case of a vehicle with one or more sitting positions alongside the driver, at least one other seat belt of a type previously approved by the Secretary for the use of a passenger who may occupy one such sitting position—

until the seat belt concerned is replaced.

“78A. Fitting of seat belts to vehicles first registered on or after 1 November 1979—No person shall operate any motorcar or any goods-service vehicle with a tare weight of less than 2000 kg being, in either case, a vehicle first registered on or after the 1st day of November 1979, or any such vehicle that is manufactured on or after the 1st day of November 1979 and is operated under the authority of trade plates issued under section 22 of the Act, unless it is fitted with—

“(a) Three-point lap and diagonal seat belts of a type approved for that vehicle (or some other seat belt of a type specifically approved for that vehicle or class of vehicle), including any retractors that form part of the approval, for the use of the driver and any passenger who may occupy the sitting position (if any) nearest the opposite side of the vehicle to the driver; and

“(b) In the case of a vehicle with 2 or more sitting positions alongside the driver, a 2-point lap belt of a type approved for that vehicle for each such passenger other than the passenger referred to in paragraph (a) of this regulation; and

“(c) In the case of a motorcar with sitting positions to the rear of the driver’s seat, 3-point lap and diagonal seat belts of a type approved for that vehicle (or some other seat belt of a type specifically approved for that vehicle or class of vehicle), for the use of the passengers who may occupy the sitting positions nearest the left and right sides of the vehicle, and 2-point lap seat belts of a type approved for that vehicle for every passenger who may occupy any other sitting position.

“78B. Exemptions from requirements to fit seat belts—(1) Nothing in regulation 78 or regulation 78A of these regulations shall apply in respect of any vehicle of any of the following classes:

“(a) New motor vehicles being operated—

“(i) With trade plates; and

“(ii) Over a distance that does not exceed 30 kilometres:

“(b) Tractors or forklifts:

“(c) Motor vehicles of the type known as Benford 1200 Dumpers:

“(d) Wessex lightweight motor trucks model numbers 252s, 255, 259, 332, and 333:

(e) Motor vehicles of the types known as Aveling-Barford 100 Dumpers and Wrigley Dumpers.

“(2) Nothing in regulation 78 or regulation 78A of these regulations shall apply in respect of side-facing seats in any Land Rover vehicle.

“78C. **Seat belts to be kept secure and properly maintained**—No person shall operate a motor vehicle fitted with seat belts as required by regulation 78 or regulation 78A of these regulations if he knows that—

“(a) The seat belts are not properly and securely fastened to the vehicle anchorage points; or

“(b) The seat belts (including the buckles and retractors) are not in good condition and proper working order.

“78D. **Defence of reasonable attempt to obtain or replace seat belt**—It shall be a defence in any proceedings for failure to comply with regulation 78 or regulation 78A of these regulations, or any proceedings for an offence specified in regulation 78C of these regulations if the defendant proves that, at the date of the alleged offence,—

“(a) Reasonable but unsuccessful steps had been taken to obtain an approved seat belt; and an order for an approved seat belt had been placed with a supplier and was still in force; or

“(b) The seat belt or the fasteners, buckles, or retractors had been removed for repair by a seat belt manufacturer or his agent; and an order for the repair had been placed not more than 2 months previously and was still in force.”

6. Mopeds and motorcycles to be fitted with footrests—The principal regulations are hereby amended by inserting, after regulation 82, the following regulation:

“82A. (1) No person shall operate any moped that does not have either adequate footrests or pedals for the rider, and, where provision is made for pillion riding, adequate footrests for the pillion passenger.

“(2) No person shall operate any motorcycle that does not have adequate footrests for the rider, and, where provision is made for pillion riding, adequate footrests for the pillion passenger.”

7. Consequential revocations—The regulations and notices specified in the Schedule to these regulations are hereby consequentially revoked.

SCHEDULE

Reg. 7

REGULATIONS AND NOTICES REVOKED

Regulation or Notice	Reference
Exemption From Seat Belts for Goods-service Vehicles Being Tractors or Forklift Trucks . .	<i>Gazette</i> , 1965, p. 63
Exemption from Seat Belts for Goods-service Vehicles Having a Manufacturers' Gross Laden Weight Exceeding 2 Tons and First Registered Prior to 1 May 1965	<i>Gazette</i> , 1965, p. 63
The Seat Belts Exemption Notice 1974	S.R. 1974/302
The Seat Belts Exemption Notice 1974, Amendment No. 1	S.R. 1975/235
The Traffic Regulations 1976, Amendment No. 2	S.R. 1978/301
The Traffic Regulations 1976, Amendment No. 4: Regulation 19	S.R. 1980/31
Exemption of Certain Motor Vehicles From the Requirements Relating to Seat Belts	<i>Gazette</i> , 1981, p. 355

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, most of which come into force on 1 September 1984, impose requirements relating to the use of child restraints in motor vehicles. They also set out the requirements relating to the fitting and wearing of seat belts, and the exemptions from the fitting and use of seat belts and child restraints.

Regulation 2 corrects an error in the numbering of a previous amendment to the principal regulations.

Regulation 3 amends the definition of the term "approved".

Regulation 4: Where a child under the age of 8 years is in a motor vehicle, an obligation to restrain the child is imposed, by the new *regulation 30*, on the driver of that motor vehicle. The obligation exists while the vehicle is in motion on a road. At present there is no such obligation.

Regulation 30 imposes on the driver a general obligation to use any appropriate approved child restraint that is available in respect of children under the age of 8 years. Where no appropriate approved restraint is available, then any restraint or seat belt may be used. (In the case of motorcars and goods-service vehicles with a tare weight of not less than 2000 kg there should usually be an approved seat belt available—see regulations 78 and 78A set out in *regulation 5* of these regulations.)

Regulation 30A provides that, while a motor vehicle is in motion, a driver may not permit a child under the age of 15 years who is not properly restrained by an approved child restraint or seat belt appropriate to that child to be alongside him unless—

- (a) The vehicle has no back seat (e.g., utilities, vans, trucks); or
- (b) All rear seat positions are occupied by children under the age of 15 years (Note: the fact that the rear seats are folded down or covered by goods will not confer an exemption).

The new *regulation 30B* is similar to the present regulation 30 (as substituted in 1978). The only material changes are—

- (a) It applies whenever the vehicle is in motion, not just forward motion as at present; and
- (b) The power for the Secretary to grant exemptions is omitted. The exemptions are set out in *regulation 30C*.

Subclause (1) requires the driver of any vehicle in motion on a road to ensure that every person in the vehicle who is of or over the age of 8 years but under the age of 15 years and who occupies a seat for which a seat belt is fitted wears the belt and that the belt is securely fastened.

Subclause (2) requires every person of or over the age of 15 years who is in a vehicle in motion on a road and occupying a seat for which a seat belt is provided to wear that seat belt and ensure that it is securely fastened.

As is the case with the present regulation 30, the obligations imposed by *regulation 30A* relating to the wearing of seat belts apply whether or not the seat belt is an approved seat belt, and irrespective of the position of the seat for which it is fitted.

(The fitting of approved seat belts for all front and rear seat positions has been compulsory since 1 November 1979 for all motorcars and goods-service vehicles with a tare weight of less than 2000 kg first registered on or after that date.)

Regulation 30C sets out the exemptions from the requirements to wear child restraints and seat belts, or the requirements to ensure that they are worn.

These exemptions are similar but not identical to those specified in relation to seat belts under clause 3 of the Seat Belts Exemption Notice 1974 (S.R. 1974/302).

However, the exemptions are now expressed in terms of the activity in which the person to whom the exemption applies is engaged, rather than the activity for which the vehicle is being used, and the speed limits relating to the exemptions have been standardised at 50 kilometres per hour.

The one new exemption relates to a driver whose visibility while reversing would be impaired by the wearing of a seat belt.

Regulation 5 sets out the requirements for vehicles to be fitted with seat belts. There are no significant changes to the requirements, but provisions that are no longer appropriate have been omitted.

Regulations 78 and 78A set out the requirements that vehicles must be fitted with seat belts.

Regulation 78B exempts certain types of vehicles from the requirements to be fitted with seat belts. These exemptions are similar to those currently in force under clause 2 of the Seat Belts Exemption Notice 1974 and other notices that have been published in the *Gazette*, but the power for officers of the Ministry to grant further exemptions has been omitted.

Regulation 78C continues an offence of operating a vehicle fitted with seat belts with the knowledge that they are not properly secured to the vehicle or are not in working order.

Regulation 78D continues and slightly extends a defence relating to reasonable attempts to obtain seat belts and the removal of belts or attachments for repair.

Regulation 6 continues, as a separate regulation, the requirement formerly set out in regulation 78 (4) of the principal regulations which requires footrests to be provided on motorcycles, and extends it to include mopeds that do not have pedals.

Regulation 7 makes consequential revocations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 June 1984.

These regulations are administered in the Ministry of Transport.