



THE TRAFFIC REGULATIONS 1976, AMENDMENT NO. 26

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 28th day of February 1994

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Traffic Regulations 1976, Amendment No. 26, and shall be read together with and deemed part of the Traffic Regulations 1976* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1994.

*S.R. 1976/227

- Amendment No. 1: S.R. 1978/72
- Amendment No. 2: (*Revoked by S.R. 1984/169*)
- Amendment No. 3: (*Revoked by S.R. 1980/115*)
- 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. 10: S.R. 1984/31
- Amendment No. 11: S.R. 1984/169
- Amendment No. 12: S.R. 1985/70
- Amendment No. 13: S.R. 1985/144
- Amendment No. 14: S.R. 1985/289
- Amendment No. 15: S.R. 1987/213
- Amendment No. 16: S.R. 1988/171
- Amendment No. 17: S.R. 1988/187
- Amendment No. 18: S.R. 1988/326
- Amendment No. 19: (*Revoked by S.R. 1990/333*)
- Amendment No. 20: S.R. 1989/312
- Amendment No. 21: S.R. 1990/159
- Amendment No. 22: S.R. 1990/333
- Amendment No. 23: S.R. 1992/184
- Amendment No. 24: S.R. 1993/176
- Amendment No. 25: S.R. 1993/295

2. Children under 5 years to be restrained in approved child restraints—The principal regulations are hereby amended by inserting, after regulation 29, the following regulation:

“29A. (1) During the period commencing on the 1st day of April 1994 and ending with the close of the 31st day of March 1995, every driver of a motor vehicle in which there is a child under the age of 2 years shall ensure that, while the vehicle is in motion on a road, that child is properly restrained by an approved child restraint appropriate for that child.

“(2) On and after the 1st day of April 1995, every driver of a motor vehicle in which there is a child under the age of 5 years shall ensure that, while the vehicle is in motion on a road, that child is properly restrained by an approved child restraint appropriate for that child.”

3. Children of or over 2 years but under 8 years to be restrained in child restraints or seat belts if available—The principal regulations are hereby amended by revoking regulation 30 (as substituted by regulation 4 of the Traffic Regulations 1976, Amendment No. 11), and substituting the following regulation:

“30. (1) During the period commencing on the 1st day of April 1994 and ending with the close of the 31st day of March 1995, every driver of a motor vehicle in which there is a child of or over the age of 2 years but 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 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 or not that child restraint or seat belt is approved).

“(2) On and after the 1st day of April 1995, every driver of a motor vehicle in which there is a child of or over the age of 5 years but 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 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 or not that child restraint or seat belt is approved).”

4. Exemptions from requirements relating to the use of child restraints and seat belts—Regulation 30c of the principal regulations is hereby amended by adding the following subclause:

“(4) The requirements of regulation 29A 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, if the driver—

“(a) Is driving a passenger service vehicle in which no appropriate child restraints are available; or

“(b) Is driving a goods service vehicle having a tare weight exceeding 2000 kg in which no seat belts are available; or

- “(c) Is driving a motor vehicle (first registered before the 1st day of January 1955 in which no seat belts are available; or
“(d) Is driving a motor cycle.”

MARIE SHROFF,
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, which come into force on 1 April 1994, amend the Traffic Regulations 1976.

The principal purpose of the regulations is to make it compulsory for children under 5 years of age to wear approved child restraints when travelling in a motor vehicle on any road.

New regulation 29A (as inserted by regulation 2) implements the new requirement in 2 stages as follows:

- (a) Until 31 March 1995, a child under the age of 2 years must be restrained in an approved child restraint:
- (b) On and after 1 April 1995, a child of or under the age of 5 years must be so restrained. The vehicles exempted from the new requirement (as added by regulation 4 and effective on and after 1 April 1994) are as follows:
 - (a) Passenger service vehicles in which no appropriate child restraints are available:
 - (b) Goods service vehicles that have a tare weight exceeding 2000 kg and in which no seat belts are available:
 - (c) Motor vehicles first registered before 1 January 1955 in which no seat belts are available:
 - (d) Motor cycles.

During the transitional period of 1 April 1994 to 31 March 1995, a child of or over the age of 2 years but under the age of 8 years must be restrained in an approved child restraint if one is available (new regulation 30 (1), as substituted by regulation 3).

On and after 1 April 1995, a child of or over the age of 5 years but under the age of 8 years is subject to that requirement (new regulation 30 (2), as substituted by regulation 3).

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 3 March 1994.

These regulations are administered in the Ministry of Transport.