



STATUTORY INSTRUMENTS.

S.I. No. 367 of 2011

ROAD TRAFFIC (RESTRAINT SYSTEMS IN ORGANISED
TRANSPORT OF CHILDREN) REGULATIONS 2011

(Prn. A11/1223)

ROAD TRAFFIC (RESTRAINT SYSTEMS IN ORGANISED
TRANSPORT OF CHILDREN) REGULATIONS 2011

I, LEO VARAKAR, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 11 of the Road Traffic Act 1961 (No. 24 of 1961) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011), hereby make the following regulations:

1. (1) These Regulations may be cited as the Road Traffic (Restraint Systems in Organised Transport of Children) Regulations 2011.

(2) These Regulations come into operation on 31 October 2011.

2. (1) In these Regulations—

“1991 Regulations” means the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) (No. 3) Regulations 1991 (S.I. No. 359 of 1991);

“anchorages” means the parts of the vehicle structure or seat structure, or any other parts of the vehicle, to which the restraint system assemblies are to be secured;

“category M2” means a passenger vehicle with seats for more than 8 persons not including the driver and having a design gross vehicle weight not exceeding 5,000 kilograms;

“category M3” means a passenger vehicle with seats for more than 8 persons not including the driver and having a design gross vehicle weight exceeding 5,000 kilograms;

“child restraint” means a device designed for use by a child of not more than 36 kilograms in weight, which is fitted directly to suitable belt anchorages or is held in place by the restraining action of a safety belt and which is either equipped with an assembly of straps and a securing buckle or uses the straps and buckle assembly of the safety belt so as to have the effect of diminishing the risk of injury to its wearer in the event of a collision or of abrupt vehicle deceleration;

“disabled person's belt” means a safety belt which has been specially designed or adapted for use by a person with a physical handicap or disability and which is intended for use solely by such a person;

“forward-facing passenger seat” means a forward-facing seat which is not the driver's seat;

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 15th July, 2011.*

“forward-facing seat” means a seat which is attached to a vehicle so that it faces towards the front of the vehicle in such a manner that a line passing through the centre of both the front and the back of the seat is at an angle of 30° or less to the longitudinal axis of the vehicle;

“rearward-facing seat” means a seat which is attached to a vehicle so that it faces towards the rear of the vehicle in such a manner that a line passing through the centre of both the front and the back of the seat is at an angle of 30° or less to the longitudinal axis of the vehicle;

“restraint system” means a system combining a seat or anchorages for a wheelchair, fixed to the structure of the vehicle by appropriate means, and with the appropriate safety belt, webbing, straps, fastenings, adjusting devices, anchorages, retracting mechanism, child restraint or disabled person’s belt;

“safety belt” means an assembly of straps with a securing buckle, adjusting devices and attachments which is capable of being anchored to a vehicle and is designed to diminish the risk of injury to its wearer, by restraining the wearer's movements in the event of a collision or of abrupt vehicle deceleration;

“school” means an establishment which—

- (a) provides primary education to its students and which may also provide early childhood education, or
- (b) provides post-primary education to its students and which may also provide courses in adult, continuing or vocational education or vocational training,

and includes a school or institution established in accordance with the Children Acts 1908 to 1989 and a school or institution established or maintained in accordance with the Health Acts 1947 to 1996 or the Child Care Act 1991;

“side-facing seat” means a seat which is attached to a vehicle so that it faces towards the side of the vehicle in such a manner that a line passing through the centre of both the front and the back of the seat is at an angle of 30° or less to a line passing at 90° through the longitudinal axis of the vehicle;

- (2) (a) A reference in these Regulations to a Regulation is to a Regulation of these Regulations, unless it is indicated that reference to some other Regulations is intended.
- (b) A reference in these Regulations to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.
- (c) A reference in these Regulations to a Schedule is to a Schedule to these Regulations, unless it is indicated that reference to some other Regulations is intended.

3. (1) No person shall use, or cause or permit to be used, a vehicle of category M2 or M3 for the purpose of transporting a group of 3 or more children in the circumstances set out in paragraph (2) unless the vehicle is fitted with passenger accommodation that meet the requirements of these Regulations, for each child being transported.

(2) The circumstances referred to in paragraph (1) are that—

- (a) the group of children are on an organised trip; and
- (b) the journey is being made for the purposes of the trip.

(3) Paragraph (1) applies to the transportation of children

- (a) in forward-facing seats,
- (b) in rearward-facing seats, and
- (c) in wheelchairs,

in the vehicle.

(4) “Children”, for the purposes of paragraph (1), means persons aged 3 years or more, but under the age of 16 years.

(5) Without prejudice to the generality of paragraph (2)(a), a group of children shall, for the purposes of these Regulations, be regarded as being on an organised trip if they are being carried to or from their school or from one part of their school premises to another.

(6) Without prejudice to the generality of paragraph (2)(b), paragraph (1) shall not apply to a vehicle if it is otherwise used wholly or mainly for the purpose of providing a transport service for the general public.

(7) Without prejudice to the generality of paragraph (2)(b), paragraph (1) shall not apply to—

- (a) the driving or use by a member of the Garda Síochána, an ambulance service or a fire brigade of a fire authority (within the meaning of the Fire Services Act 1981) of a vehicle in the performance of the duties of that member, service or brigade, or
- (b) a person driving or using a vehicle under the direction of a member of the Garda Síochána,

where such use does not endanger the safety of road users.

(8) For the passenger accommodation referred to in paragraph (1) to meet the requirements of these Regulations an appropriate restraint system must be provided for each seat and each wheelchair space (if any), and—

- (a) the restraint system must meet the requirements set out in Schedule 1,
- (b) the restraint system must be employed and maintained in accordance with the requirements set out in Schedule 2, and
- (c) the seats must not be side-facing seats.

4. Article 80 of the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963 (S.I. No. 190 of 1963) is amended—

- (a) in paragraph (1), by substituting “sub-article (2)” for “sub-articles (2) and (3)”, and
- (b) by deleting paragraph (2) (inserted by Article 2(2) of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 1974 (S.I. No. 297 of 1974)) and consequently renumbering paragraph (3) of that Article (as amended by Article 2 of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2005 (S.I. No. 12 of 2005) as paragraph (2).

SCHEDULE 1

Requirements of restraint system on Category M2 and M3 vehicles

1. All safety belts or restraint system fastenings or straps (if any) must be properly secured to anchorages provided for it;

2. All disabled person's belts or restraint system fastenings or straps (if any) must be properly secured to the vehicle or to the seat;

3. All child restraints must be properly secured to the anchorages specially provided for them.

3. Where Regulation 3 of the 1991 Regulations does not already apply, a restraint system's anchorages and fastenings must be of such minimum number, such size and so located as to comply with the the technical and installation (but not the testing) requirements of Council Directive 76/115/EEC of 18 December 1975¹, as amended by Council Directive 81/575/EEC of 20 July 1981², Commission Directive 82/318/EEC of 2 April 1982³, Commission Directive 90/629/EEC of 30 October 2009⁴, Commission Directive 96/38/EC of 17 June 1996⁵ and Directive 2005/41/EC of the European Parliament and of the Council of 7 September 2005⁶, whether or not that instrument applies to the vehicle on entry into service;

4. Where Regulation 3 of the 1991 Regulations does not already apply, a restraint system's seat belts, adjusting devices and retracting mechanisms (if any) of the restraint system shall be approved for installation by one of the authorities listed in Column 2 of Table 1 in the First Schedule to the 1991 Regulations in relation to the restraint system itemised in Column 1 of that Table and shall bear the component approval mark specified by the relevant authority and appropriate to that item as listed in Column 3 of that Table;

5. Where Regulation 3 of the 1991 Regulations does not already apply, any child restraints must be approved for use by one of the authorities listed in Column 2 of Table 2 in the First Schedule to the 1991 Regulations in relation to such child restraint itemised in Column 1 of that Table and shall bear the component approval mark specified by the relevant authority and appropriate to that item as listed in Column 3 of that Table; and

6. Where a lap belt is fitted to a forward-facing front seat or to an exposed forward-facing seat (other than the driver's seat)—

(a) padding shall be provided, to a depth of not less than 50 mm, on that part of the surface or edge of any bar, or the top or edge of any screen

¹OJ No. L. 24, 30.1.76, p. 6.

²OJ No. L. 209, 29.7.81, p. 30.

³OJ No. L. 139, 19.5.82, p. 9.

⁴OJ No. L. 341, 6.12.90, p. 14.

⁵OJ No. L. 187, 26.7.96, p. 95.

⁶OJ No. L. 255, 30.9.05, p. 149.

or partition (other than an instrument panel), which would be likely to be struck by the head of a passenger wearing the lap belt in the event of an accident, or

- (b) the technical and installation requirements of Annex 4 to Regulation 21 of the United Nations Economic Commission for Europe Agreement Concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions, done at Geneva on 20 March 1958, shall be met, in respect of any such bar, screen or partition.

SCHEDULE 2

Employment and maintenance of restraint system

1. These requirements apply to every restraint system or safety belt and the anchorages, webbing, straps, fastenings, adjusting device, retracting mechanism (if any), child restraint (if any), and disabled persons belt (if any) as required to be fitted in a vehicle under these Regulations.

2. For the purposes of this Schedule, the anchorages and anchorage points of a restraint system or safety belt shall, in the case of a seat which incorporates integral safety belt anchorages, include the system by which the seat assembly itself is secured to the vehicle structure.

3. The anchorage points provided for safety belts shall be employed only as anchorages for the safety belts for which they are intended to be employed or capable of being employed.

4. The anchorage points provided for wheelchairs shall be employed only as anchorages for the wheelchairs for which they are intended to be employed or capable of being employed.

5. The anchorage points provided for a disabled person's belt shall be employed only as anchorages for the belt for which they are intended to be employed or capable of being employed.

6. Subject to paragraph 7—

- (a) all load-bearing members of the vehicle structure or paneling within 30 cm of each anchorage point shall be maintained in a sound condition and free from serious corrosion, distortion or fracture;
- (b) the adjusting device and (if fitted) the retracting mechanism of a restraint system or safety belt shall be so maintained that a belt may be readily adjusted to the body of the wearer, either automatically or manually, according to the design of the device and (if fitted) the retracting mechanism;
- (c) the anchorages, fastenings and adjusting device of a restraint system or safety belt shall be maintained free from any obvious defect which would be likely to affect adversely its performance in restraining the body of the wearer in the event of an accident involving the vehicle;
- (d) the buckle or other fastening of a restraint system or safety belt shall—
 - (i) be so maintained that the belt can be readily fastened or unfastened;
 - (ii) be kept free from any temporary or permanent obstruction; and

- (iii) except in the case of a disabled person's safety belt, be readily accessible to a person sitting in the seat for which the safety belt is provided;
- (e) the webbing or other material which forms the restraint system shall be maintained free from cuts or other visible faults (as, for example, extensive fraying) which would be likely to affect adversely the performance of the belt when under stress;
- (f) the ends of every safety belt, other than a disabled person's safety belt, shall be securely fastened to the anchorage points provided for them; and
- (g) the ends of every disabled person's safety belt shall, when the safety belt is being employed for the purpose for which it was designed and constructed, be securely fastened either to some part of the structure of the vehicle or to the seat which is being occupied by the person wearing the belt so that the body of the person wearing the belt would be restrained in the event of an accident to the vehicle.

7. No requirement specified in paragraph 6 applies if the vehicle is being used—

- (a) on a journey after the start of which the requirement ceased to be complied with; or
- (b) after the requirement ceased to be complied with and steps have been taken for such compliance to be restored with all reasonable expedition.



GIVEN under my Official Seal,
11 July 2011.

Leo Varadkar
Minister for Transport, Tourism and Sport

EXPLANATORY NOTE

These Regulations make restraint systems of an acceptable standard mandatory for all passenger accommodated in a category M2 and M3 vehicle which is involved in the organised transport of children. These Regulations also require the restraint systems of a category M2 and M3 vehicle involved in the organised transport of children to be maintained in a fit for purpose state.

These Regulations may be cited as the Road Traffic (Restraint Systems in Organised Transport of Children) Regulations 2011.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)
or through any bookseller.

€3.05

