

ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

1998, No. 21

Vehicles and Road Traffic (Seat Belt) Regulations made by the Cabinet under Section 87 of the Vehicles and Road Traffic Act (Cap. 460).

1. (1) These Regulations may be cited as the Vehicles and Road Traffic (Seat Belt) Regulations, 1998. Short title and commencement.

(2) These Regulations shall come into force on the 1st day of September, 1998.

2. In these Regulations, unless the context otherwise requires Interpretation.

“adult seat belt” means a three point belt or a lap belt;

“booster cushion” means a cushion designed for a person of small stature to sit on to improve the fit of an adult seat belt (including a cushion that has an integral back above the seating plane);

“child restraint” means a seat belt (and any special chair to which the belt is attached) for the use of a young person which is designed either to be fitted directly to a suitable anchorage or to be used in conjunction with a seat belt for an adult held in place by the restraining action of that belt;

“disabled person’s belt” means a seat belt which has been specifically designed or adapted for used by an adult or young person suffering from some physical defect or disability and which is intended for use solely by the person;

“lap belt” means a seat belt which passes across the front of the wearer’s pelvic region and which is designed for use by

“seat belt” means a belt intended to be worn by a person in a vehicle and designed to prevent or lessen injury to its wearer in the event of an accident to the vehicle and includes in the case of child restraint any special chair to which the belt is attached;

“three point belt” means a belt which restrains the upper and lower parts of the torso and includes a lap belt, is anchored at not less than three points and is designed for use by an adult.

Driver and front passenger to wear seat belts.

3. No person shall drive or ride in the front passenger seat of a motor vehicle unless he is wearing a seat belt in accordance with these Regulations.

Child in rear seat of motor vehicle to wear seat belt.

4. Where a child under the age of fourteen years is in the rear seat of a motor vehicle, fitted with seat belts, the driver shall not, without reasonable excuse, drive the motor vehicle on a road unless the child is wearing a seat belt or child restraint in accordance with these Regulations.

Exemptions.

5. (1) Regulation 3 shall not apply to a person

- (a) driving or riding in an ambulance, fire truck, police motor vehicle or army motor vehicle;
- (b) driving or riding in a tractor, agricultural motor vehicle or other heavy goods motor vehicle;
- (c) who can produce a medical certificate to the effect that it is inadvisable on medical grounds for him to wear a seat belt;
- (d) with a physical defect or disability where it is not possible to equip the motor vehicle with a disabled person’s belt and the person holds a certificate to that effect from the Traffic Commissioner;
- (e) driving or riding in the front passenger seat of motor vehicle in circumstances where it would be unreasonable to expect the person to wear a seat belt.

6. (1) A person with a physical defect or disability who is unable to get a disabled person's belt to accommodate him shall apply in writing to the Traffic Commissioner for a certificate exempting him from wearing a seat belt.

Traffic Commissioner's certificate of exemption.

(2) The Traffic Commissioner may issue the certificate after satisfying himself that the circumstances presented by the person are true and correct.

7. (1) Every motor vehicle to which these Regulations apply shall be fitted with or adapted to be fitted with seat belts.

All motor vehicles to have seat belts.

(2) No motor vehicle shall be imported into Antigua and Barbuda unless it is fitted with seat belts.

(3) The following classes of motor vehicles may be exempt from regulation (2):

- (a) ambulance,
- (b) fire truck,
- (c) police or army motor vehicle,
- (d) tractor or other agricultural motor vehicle, and
- (e) any other heavy goods motor vehicle.

8. A person shall be regarded as wearing a seat belt in accordance with these Regulations if he is wearing an adult seat belt or a disabled person's belt.

Prescribed seat belt for an adult.

9. (1) A child shall be regarded as wearing a seat belt in accordance with these Regulations if

Prescribed seat belt for a child.

- (a) he is wearing a seat belt of a description prescribed in sub-regulation (2) for a child of his class; and

(2) Seat belts for a child are as follows:

- (a) for any child, a child restraint appropriate to the weight of the child in accordance with the markings of the manufacturer;
- (b) for any child aged one year or more an adult seat belt except, when the child is one year but under four years and wears an adult seat belt it must be used in conjunction with a booster cushion;
- (c) where the child is under one year and is in a carry cot, the carry cot shall be secured by a child restraint or adult seat belt; or
- (d) where the child has a physical defect or disability a disabled person's seat belt.

Defence.

10. Where a child under fourteen years of age is in the rear seat of a motor vehicle and not wearing a seat belt or child restraint in accordance with these Regulations it shall be a defence to the person driving the motor vehicle on the road that

- (a) no appropriate seat belt is available for the child; or
- (b) the child holds a medical certificate to the effect that it is inadvisable on medical grounds for the child to wear a seat belt or child restraint.

Offence and penalty.

11. A person who contravenes the provisions of these Regulations commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding twelve months or both.

Made this 8th day of July, 1998.

Lounel Stevens,
Secretary to the Cabinet.