

BILL No. 3 of 2002

Monday, 11th March, 2002

PARLIAMENT OFFICE

**Public Buildings,
Georgetown,
Guyana.**

11th March, 2002

The following Bill which will be introduced in the National Assembly is published for general information.

F.A. Narain,
Clerk of the National Assembly.



GUYANA

BILL No. 3 of 2002

MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL 2002

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Insertion of new sections 45A, 45B, 45C, 45D, 45E and 45F in the Principal Act.

**A BILL
Intituled**

AN ACT to amend the Motor Vehicles and Road Traffic Act.

A.D. 2002 Enacted by the Parliament of Guyana: -

Short title
and
commence-
ment.

Cap. 51:02

1. This Act, which amends the Motor Vehicles and Road Traffic Act, may be cited as the Motor Vehicles and Road Traffic (Amendment) Act 2002 and shall come into operation on such date as the Minister may by order appoint and different dates may be appointed for the coming into operation of different provisions of this Act.

Amendment
of section 2
of the
Principal
Act.

2. Section 2 of the Principal Act is hereby amended by inserting, in the appropriate alphabetical order, the following definitions

- (a) "anchorage points" means that part of the motor vehicle which is designed to hold securely in position on the vehicle, seat belts for the driver's seat and the specified passengers' seats:
- (b) "child" for the purposes of the provisions relating to seat belts, includes any person whose size, height or build is such that the person experiences or is likely to experience problems or difficulty with the upper anchorage point of a seat belt:
- (c) "child restraint system" means a seat belt restraint system or other device or combination of devices, designed to diminish the risk of injury to a child, in the event of collision or of abrupt deceleration of a vehicle, by limiting the mobility of body of the child, being a device or combination of devices which -
 - (i) is designed either to be fixed directly to a suitable anchorage point or to be used in conjunction with an adult seat belt and held in place by the restraining action of the belt: or
 - (ii) is fitted in the vehicle by the manufacturer and is of a type which complies with such standards as may be prescribed by the Minister by regulations in respect of the shape, quality, construction, installation and assembly of seat belts and other safety belt assemblies and anchorage points and child restraint systems:
- (d) "front seat" in relation to a motor vehicle, means a seat which is wholly or partially in the front of the vehicle:

- (e) "restraint system" means a system combining a seat fixed to the structure of a motor vehicle by appropriate means and a seat belt for which at least one anchorage point is located on the structure of the seat:
- (f) "seat belt" means any arrangement or assembly of straps with a securing buckle adjusting devices and an attachment which is anchored at an anchorage point to the structure of the seat of a motor vehicle by appropriate means and is designed to diminish the risk of injury to its wearer in the event of collision or abrupt deceleration of the vehicle by limiting the mobility of the body of the wearer.

3. The Principal Act is hereby amended by inserting immediately after section 45 the following part, heading and sections as sections 45A, 45B, 45C, 45D, 45E and 45F -

Insertion of new sections 45A, 45B, 45C, 45D, 45E and 45F in the Principal Act.

**PART VI A
SEAT BELTS**

45A. (1) Every seat belt assembly shall be of a type the design of which shall be any of the following -

Seat belt assembly.

- (a) a lap belt which is a seat belt assembly that is anchored at two points and passes across the front of the wearer's pelvic region from one side of the hip to the other side:
- (b) a diagonal belt which is a seat belt assembly, that is anchored at two points and passes diagonally across the front of the chest from the hip to the opposite shoulder:
- (c) a three point belt which is a seat belt assembly, that is anchored at three points and passes across the front of the wearer's pelvic region and crosses the front of the chest from the hip to the opposite shoulder:
- (d) any other seat belt assembly that is duly certified by the Guyana National Bureau of Standards and approved by the Minister by notice in the *Gazette* and published in at least one daily newspaper

(2) The seat belt assemblies mentioned in subsection (1) shall be of such shape, quality, construction, installation and assembly as may be duly certified by the Guyana National Bureau of Standards and approved by the Minister by notice in the *Gazette* and published in a daily newspaper and pending such

certification and notification, a seat belt of a type and design mentioned in subsection (1) shall satisfy the legal requirements.

Additional requirements in respect to seat belt assemblies.

45B. Every seat belt assembly shall be securely affixed to the anchorage points and shall be designed constructed, installed, maintained and worn in such a manner that when deployed it will operate satisfactorily and thereby reduce the risk of injury to the person wearing it in the event of a collision or abrupt vehicle deceleration by limiting the mobility of the wearer's body.

Proper installation and configuration of seat belts.

45C. Every seat belt shall be installed in such a manner that -

- (a) the straps are not liable to assume a dangerous configuration: and
- (b) when deployed, the risk of the strap slipping from the shoulder and the risk of the straps deteriorating through contact with rigid parts of the vehicle or seat structure is reduced to a minimum.

All motor vehicles to be fitted with seat belt assemblies.

45D.(1) A motor vehicle shall not be used on a road unless it is equipped with appropriately fitted three-point seat belt assemblies or such other seat belt assemblies or such combination of seat belt assemblies referred to in section 45A(1) as the case may be and as may be necessary for the front seats for the driver and every passenger.

(2) A person who uses a motor vehicle on any road in contravention of the preceding subsection commits an offence and is liable on summary conviction -

- (a) in the case of a first offence, to a fine not less than seven thousand five hundred dollars nor more than ten thousand dollars.
- (b) In the case of a second or subsequent offence, to a fine not less than ten thousand dollars nor more than fifteen thousand dollars.

Drivers, etc. of motor vehicles to wear seat belts.

45E.(1) Subject to subsection (2) every person who drives or rides on the front seat of a motor vehicle shall wear a seat belt.

(2) Subsection (1) shall not apply to -

- (a) a child who wears or is conveyed in a child restraint system:
- (b) a driver of a motor vehicle while performing a manoeuvre which includes reversing:

(c) any person who holds a valid certificate of exemption issued by a registered medical practitioner on a form approved by the Minister and stamped by the prescribed authority:

(d) a person riding in a vehicle which is being used for fire services, police purposes, prison duties, military services or other government enforcement services:

(e) a person riding a vehicle constructed or adapted for the delivery of goods or mail to consumers or premises, as the case may be, while engaged in the delivery to, or collection of such goods or mail from consumers or premises:

(f) a person driving or riding a motor tractor, invalid carriage, motor cycle or trailer.

(3) A person who drives or rides on the front seat of a motor vehicle in contravention of the provisions of this section commits an offence and is liable on summary conviction -

(a) in the case of a first offence, to a fine not less than seven thousand five hundred dollars nor more than ten thousand dollars:

(b) in the case of a second or subsequent offence, to a fine not less than ten thousand dollars nor more than fifteen thousand dollars.

(4) Notwithstanding anything in this PART a person who, rides a motor vehicle or any seat fitted with a seat belt without fastening the seat belt shall be guilty of an offence and shall on summary conviction be liable to a fine of seven thousand five hundred dollars.

45F.(1) Every driver of a motor vehicle which conveys a child shall cause such child to wear or be conveyed in an appropriate child restraint system.

(2) A driver who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars."

Child in motor vehicles to wear child restraint system."

EXPLANATORY MEMORANDUM

This Bill which amends the Motor Vehicles and Road Traffic Act, Cap. 51:02, is one of the measures intended to achieve safe driving on our roads.

This Bill seeks to introduce safety belts in all motor vehicles with a view of minimizing injury and loss of limbs and lives upon the occurrences of accidents.

Clause 2 introduces a number of definitions, including the definition of seat belt.

Clause 3 inserts six new sections in the Act – Sections 45A, 45B, 45C, 45D, 45E and 45F.

Section 45A, in effect prescribes the type of seat belts that are approved for use in vehicles and in addition gives the Minister power to approve any seat belt assembly duly certified by the Guyana National Bureau of Standards.

Section 45D, perhaps the most important section stipulates that every motor vehicle shall appropriately equipped with a seat belt assembly for the front seats for the driver and every passenger and prescribes a maximum penalty of not less than ten thousand dollars nor more than fifteen thousand dollars.

Section 45E, provides the penalty for using a motor vehicle in contravention of the provisions relating to seat belts.

Section 45E, specifically states that every person who drives or rides on the front seat of a motor vehicle shall wear a seat belt. There are however exceptions to this rule, for instance, a person who holds a valid exemption certificate, a person driving or riding an invalid carriage. A person who drives or rides in a motor vehicle in contravention of this section commits an offence and is also liable to a maximum penalty of not less than ten thousand dollars nor more than fifteen thousand dollars.

Section 45F, provides for a child in a motor vehicle to wear a child restraint system.

Ronald Gajraj,
Minister of Home Affairs.