

Child Restraint and Seatbelt Regulations in Selected Countries

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Global Legal Research Center Staff

This report contains citations to the laws on seat belt use in twenty-six countries, with information on provisions concerning children where available.

Antigua and Barbuda

Secondary sources indicate that there are seat belt laws in place in Antigua and Barbuda, but attempts to locate these laws were unsuccessful.¹

Australia

All of Australia's states and territories have their own laws with respect to road safety. However, model laws known as the Australian Road Rules have been adopted by all of the jurisdictions,² including provisions requiring the use of seat belts and child restraints.³

Bahamas

Chapter 220, section 42C, of the Road Traffic Act 1958 contains a provision that requires children under the age of five to be secured in a child seat in the rear seat of the car.⁴ A 2013 report from the World Health Organization (WHO) gave the Bahamas a rating of 6 out of 10 for its enforcement of child seat-belt safety laws.⁵

Brazil

The use of seat belts is mandatory in Brazil for the driver and passengers on all roads of the national territory, except when otherwise regulated by the National Council of Traffic (Conselho Nacional de Trânsito, CONTRAN).⁶ Children less than ten years of age must be transported in

¹ *Police Successful in Enforcing Seat Belt Laws*, ANTIGUA AND BARBUDA – LATEST NEWS (Issue No. 51, Mar. 2001), http://www.antigua-barbuda.com/news_archive/newsletter51.asp#s8.

² *Australian Road Rules*, NATIONAL TRANSPORT COMMISSION, <http://www.ntc.gov.au/viewpage.aspx?documentid=00794> (last updated July 31, 2013).

³ National Transport Commission (Road Transport Legislation – Australian Road Rules) Regulations 2006 (Cth), sch 1 rr 264–267, <http://www.comlaw.gov.au/Details/F2008C00408>.

⁴ Road Traffic Act 1958, ch. 220, § 42C, http://laws.bahamas.gov.bs/cms/images/LEGISLATION/PRINCIPAL/1958/1958-0057/RoadTrafficAct_1.pdf.

⁵ *Country Profiles: Bahamas*, in WORLD HEALTH ORGANIZATION, GLOBAL STATUS REPORT ON ROAD SAFETY 2013 at 64, http://www.who.int/violence_injury_prevention/road_safety_status/2013/en/.

⁶ CÓDIGO DE TRÂNSITO BRASILEIRO art. 65, https://www.planalto.gov.br/ccivil_03/leis/L9503Compilado.htm.

the rear seats, except when otherwise regulated by CONTRAN.⁷ On May 28, 2008, CONTRAN issued Resolution No. 277, which regulates the transportation of children who are less than ten years of age and requires the use of restraint devices for the transportation of children in motor vehicles.⁸

Canada

Canada's requirements for child restraint systems and seat belts vary from one provincial/territorial jurisdiction to another.⁹ In Ontario, child restraint systems are regulated by section 106 of the Highway Traffic Act¹⁰ and its subordinate regulation.¹¹ Similarly, in British Columbia, such requirements are found in section 220 of the Motor Vehicle Act¹² and Division 36 of the Motor Vehicle Act Regulations.¹³ In Quebec they can be found in section 397 of the Highway Safety Code.¹⁴

Federal manufacturing requirements for design and testing of child restraint systems and booster seats can be found in the Motor Vehicle Restraint Systems and Booster Seats Safety Regulations,¹⁵ issued pursuant to the Motor Vehicle Safety Act.¹⁶

⁷ *Id.* art. 64.

⁸ Resolução CONTRAN No. 277, de 28 de Maio de 2008, http://www.denatran.gov.br/download/Resolucoes/RESOLUCAO_CONTRAN_277.pdf, as amended by Deliberação CONTRAN No. 100, de 2 de Setembro de 2010, http://www.denatran.gov.br/download/Deliberacoes/DELIBERACAO_CONTRAN_100_10_vr_in.pdf.

⁹ *Car Seat and Booster Seat Legislation Chart in Canada*, CAR SAFETY AND KIDS (Jan. 2013), http://carsafetyandkids.ca/user_uploads/Car_Seat_and_Booster_Seat_Legislation_Chart_Jan_2013.pdf; see also *Child Passenger Safety: Canada*, AAA DIGEST OF MOTOR LAWS (2012), <http://drivinglaws.aaa.com/laws/child-passenger-safety/#quickjumpCanada>.

¹⁰ Highway Traffic Act, R.S.O. 1990, c. H.8, § 106, http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h08_e.htm (Ontario).

¹¹ Ontario Regulation 195/05 (May 4, 2005), http://www.e-laws.gov.on.ca/html/source/regs/english/2005/elaws_src_regs_r05195_e.htm.

¹² Motor Vehicle Act, [RSBC 1996] c. 318, § 220, http://www.bclaws.ca/civix/document/LOC/complete/statreg/--%20M%20--/47_Motor%20Vehicle%20Act%20%5BRSBC%201996%5D%20c.%20318/00_Act/96318_07.xml#section220.

¹³ Motor Vehicle Act Regulations, B.C. Reg. 26/58 (as amended through Jan. 30, 2014), http://bclaws.ca/civix/document/id/complete/statreg/26_58_00. For an overview of car safety requirements for children in British Columbia see *Seat Belts, Car Seats and Booster Seats*, BRITISH COLUMBIA MINISTRY OF JUSTICE, <http://www.pssg.gov.bc.ca/osmv/road-safety/seatbelts.htm> (last visited Apr. 23, 2014).

¹⁴ Highway Safety Code, ch. C-24.2, http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/C_24_2/C24_2_A.html (last updated Apr. 1, 2014).

¹⁵ Motor Vehicle Restraint Systems and Booster Seats Safety Regulations, SOR/2010-90, <http://www.tc.gc.ca/eng/acts-regulations/regulations-sor2010-90.htm> (last updated June 19, 2013).

¹⁶ Motor Vehicle Safety Act, S.C. 1993, c. 16, <http://laws-lois.justice.gc.ca/eng/acts/M-10.01/> (last updated Apr. 2, 2014).

China

Article 51 of the Law of the People's Republic of China on Road Traffic Safety provides that, "[w]hen a motor vehicle is running, the driver and riders shall use safety belts in accordance with regulations; the driver of a motorcycle and the riders shall wear safety helmets in accordance with regulations."¹⁷ The law does not provide specific rules for child restraints.

Cyprus

Cyprus's Law 5(I) 2007, which amends the basic Road Safety Law (Law No. 174/1986),¹⁸ transposes Directive 2003/20/EC of the European Parliament and of the Council of 8 April 2003, Amending Council Directive 91/671/EEC on the Approximation of the Laws of the Member States Relating to Compulsory Use of Safety Belts in Vehicles of Less Than 3.5 Tons.¹⁹

Law 5(I) 2007 imposes the mandatory use of seat belts on drivers and passengers in vehicles of less than 3.5 metric tons.²⁰ Children less than 150 cm tall who travel in certain categories of vehicles fitted with safety systems must be restrained by an integral or nonintegral child-restraint system.²¹

Children less than three years of age cannot be transported in vehicles that are not equipped with safety belts or restraint systems. Children above the age of three and below 150 cm but of at least 135 cm tall may sit in the back seat, provided that there is a seat belt. They may not sit in the front seat.²²

Any safety belt or other safety restraint system must conform to EU standards.

Egypt

Article 4 of Ministerial Decree 2777 of 2000 requires the driver and any individual in the front passenger seat to wear a seat belt. However, it does not require children in the vehicle to wear a seat belt. Article 5 of the Decree prohibits children under seven from sitting in the front passenger seat.²³

¹⁷ Daolu Jiaotong Anquan Fa [Law of the People's Republic of China on Road Traffic Safety] (promulgated by the Standing Committee of the National People's Congress on Oct. 28, 2003, last amended Apr. 22, 2011, effective May 1, 2011), http://www.gov.cn/flfg/2011-04/25/content_1851694.htm (English translation from Westlaw China edited by author).

¹⁸ OFFICIAL GAZETTE OF CYPRUS, Part. I(I) no. 4110, Feb. 9, 2007.

¹⁹ 2003 O.J. (L 115) 63, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003L0020>.

²⁰ Law 5(I) 2007 art. 4. ¶ 1.

²¹ *Id.* ¶ 2.

²² *Id.* art. 5(a) & (b).

²³ Ministerial Decree 2777 (2000), <http://www.moegypt.gov.eg/Arabic/Departments%20Sites/Traffic/trafficlaw/2777/trafficrulesandsigns/rules/test1> (in Arabic).

England and Wales

The Road Traffic Act 1988 and regulations made under it provide that children in England and Wales must be secured either by a seat belt or in an appropriate child seat while in a vehicle on a road.²⁴

Fiji

Provisions requiring the use of seat belts and child restraints are contained in Fiji's Land Transport (Traffic) Regulations 2000.²⁵

Ghana

The Road Traffic Act requires that drivers of motor vehicles transporting children ensure that the children use seat belts. This Law states that a person transporting a child between the ages of five and eighteen in the front seat of a motor vehicle commits a crime if the child does not wear a seat belt.²⁶ Transporting children aged five or younger in the front seat of a motor vehicle, with or without a seat belt, is an offense.²⁷ A person also commits an offense if a child under the age of eighteen who is seated in the rear of the vehicle does not wear a seat belt.²⁸

Indonesia

Law No. 22 of 2009 Concerning Road Traffic and Transportation includes provisions that require cars to be fitted with seat belts²⁹ and for the driver and any passengers sitting beside the driver to wear seat belts.³⁰

²⁴ Road Traffic Act 1988, c. § 15, <http://www.legislation.gov.uk/ukpga/1988/52/contents>; Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993, SI 1993/31, <http://www.legislation.gov.uk/uksi/1993/31/contents/made>; Road Vehicles (Construction and Use) Regulations 1986, SI 1986/1078, reg. 47, <http://www.legislation.gov.uk/uksi/1986/1078/regulation/47/made> (for construction of child seats). *See also* Highway Code, rules 99–102, <https://www.gov.uk/rules-drivers-motorcyclists-89-to-102/seat-belts-and-child-restraints-99-to-102> (last updated Jan. 13, 2014).

²⁵ Land Transport (Traffic) Regulations 2000, regs. 27 & 28 (12 July 2000), SUPPLEMENT TO THE FIJI GOVERNMENT GAZETTE 166 (copy of relevant page attached).

²⁶ Road Traffic Act 683 of 2004, § 14, 7 LAWS OF GHANA (rev. ed. 2004), available on the Ghana Legal website, at <http://ghanalegal.com/?id=3&law=208&t=ghana-laws>.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Undang-Undang Nomor 22 Tahun 2009 tentang Lalu Lintas dan Angkutan Jalan [Law No. 22 of 2009 Concerning Road Traffic and Transportation] art. 57(3)(a), <http://hubdat.dephub.go.id/uu/288-uu-nomor-22-tahun-2009-tentang-lalu-lintas-dan-angkutan-jalan>. An English translation of this law is available on a website that appears to be run by the Thailand Department of Land Transport, at http://www.ltpcenter.com/documents/18/44989/ANNEX+7_23TF_WG_Indonesia+Law+22+year+2009_English.pdf.

³⁰ *Id.* arts. 106(6) & 289(6).

Kiribati

Provisions requiring the wearing of seat belts by adults and children in Kiribati are contained in the Traffic Act 2002.³¹

Malta

The Motor Vehicles (Wearing of Seat Belts) Regulations³² require the use of seat belts for children in vehicles. A 2013 report from the WHO gave Malta a rating of 8 out of 10 for its enforcement of child seat-belt safety laws.³³

Nauru

According to a 2009 report by the WHO, Nauru did not have a law at that time regarding the use of seat belts or child restraints.³⁴ More recent information was not located.

Netherlands

Specific provisions on the use of child restraints in vehicles in the Netherlands are found in the Traffic Rules and Signs Regulations 1990.³⁵ Section 27 of the Act is on “seat belts and child safety systems” (*autogordels en kinderbeveiligingssystemen*).³⁶ A government brochure on road traffic regulations in the Netherlands has a summary translation of the articles on child restraints, among other provisions.³⁷

New Zealand

Requirements related to the use of seat belts and child restraints in New Zealand are included in the Land Transport (Road User) Rule 2004.³⁸

³¹ Traffic Act 2002, Schedule (Road Rules), Part XI, available at http://www.paclii.org/ki/legis/num_act/ta200277/.

³² Motor Vehicles (Wearing of Seat Belts) Regulations 2007, S.L. 65.12, <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9197&l=1>.

³³ *Country Profiles 2013: Malta*, in WORLD HEALTH ORGANIZATION, GLOBAL STATUS REPORT ON ROAD SAFETY 2013 at 141, http://www.who.int/violence_injury_prevention/road_safety_status/2013/country_profiles/malta.pdf?ua=1.

³⁴ WORLD HEALTH ORGANIZATION, ROAD SAFETY IN THE WESTERN PACIFIC REGION 70 (2009), <http://www.wpro.who.int/publications/docs/RoadSafetyintheWPR.pdf>.

³⁵ Reglement verkeersregels en verkeerstekens 1990 [Traffic Rules and Signs Regulations 1990] (July 26, 1990, as last amended Nov. 26, 2013, in force on Jan. 1, 2014), http://wetten.overheid.nl/BWBR0004825/HoofdstukII/26a/geldigheidsdatum_27-02-2014.

³⁶ *Id.* arts. 59, 59a, & 59b. Certain exceptions to the rules set forth in those provisions are found in article 88.

³⁷ Road Traffic Signs and Regulations in the Netherlands (Abridged version of the 1990 Traffic Rules and Signs Regulations (RVV 1990) for instructional use) 36–40 (Jan. 16, 2013), <http://www.government.nl/documents-and-publications/leaflets/2013/01/16/road-traffic-signs-and-regulations-in-the-netherlands.html>.

³⁸ Land Transport (Road User) Rule 2004, rr 7.6–7.11, <http://www.legislation.govt.nz/regulation/public/2004/0427/latest/DLM302188.html>.

Oman

Decree 23 of 1998, issued by the Chief of Police, provides in an annex entitled “Infractions of Safety Measures” (*Mukhālafāt Ijrā’āt al-Salāma*) that drivers and passengers in the front seat of a vehicle who do not wear seat belts are in violation of traffic regulations. This Decree does not require children to wear seat belts.³⁹

Philippines

Republic Act 8750 (the Seat Belts Use Act of 1999) of the Philippines requires drivers of public and private vehicles to use seat belts and automobile manufacturers to install seat belts in all vehicles.⁴⁰ It also provides that “[i]nfants and/or children with ages six (6) years and below [sic] shall be prohibited to sit [sic] in the front seat of any running motor vehicle.”⁴¹ Additional legislation specifically providing requirements applicable to child restraint systems could not be located.

Singapore

In Singapore, provisions on seat belts and child restraints are contained in the Road Traffic Act (Chapter 276), Road Traffic (Motor Vehicles, Wearing of Seat Belts) Rules 2011 (No. S 688).⁴² According to the Rules, the driver and every passenger of a motor vehicle are required to wear a body-restraining seat belt or a lap belt wherever available.⁴³ A passenger shorter than 1.35 meters in height is required to be properly secured by an approved child restraint.⁴⁴

South Africa

The use of seat belts by children is required by the National Road Traffic Regulations,⁴⁵ subsidiary legislation to the National Road Traffic Act.⁴⁶ This Law states that the driver of a

³⁹ Decree 23 of 1998, On the Executive Regulation of Traffic Law No. 28 of 1993, ch. 8, § 3, annex 3, item 15, at 297 (Mar. 10, 1998), available on the website of the Oman Legal Network, at http://www.omanlegal.org/law/Resault.aspx?law_file=omanlegal-1305.pdf.

⁴⁰ Republic Act 8750, An Act Requiring the Mandatory Compliance by Motorists of Private and Public Vehicles to Use Seat Belt Devices, and Requiring Vehicle Manufacturers to Install Seat Belt Devices in All Their Manufactured Vehicles (Seat Belts Use Act of 1999) § 1, http://www.congress.gov.ph/download/ra_11/RA08750.pdf.

⁴¹ *Id.* § 5.

⁴² Road Traffic Act (Chapter 276), Road Traffic (Motor Vehicles, Wearing of Seat Belts) Rules 2011, available by searching Singapore Statutes Online, at <http://statutes.agc.gov.sg/aol/home.w3p>.

⁴³ *Id.* art. 4.

⁴⁴ *Id.* art. 8.

⁴⁵ National Road Traffic Regulations, 2000, § 213, 417 (20963) GOVERNMENT GAZETTE (Mar. 17, 2000), version amended through 2013 available on the University of Pretoria website, at <http://www.lawsofsouthafrica.up.ac.za/index.php/browse/motor-vehicles/national-road-traffic-act-93-of-1996/regulations-and-notice/93-of-1996-national-road-traffic-act-regs-gnr-225-19-nov-2013-to-date-pdf/download>.

motor vehicle must ensure that a child (all persons between the ages of three and fourteen except those taller than “one comma five meters”) in the vehicle uses a child restraint if one is available, or wears a seatbelt in a seat that is equipped with one.⁴⁷ If no seat belt is available and the vehicle is equipped with a rear seat, the driver must ensure that the child is seated in the rear seat.⁴⁸

South Korea

Article 50 of South Korea’s Road Traffic Act states the following:

(1) A driver of any motor vehicle (excluding any two-wheeled vehicle) shall fasten the seat belt thereof while driving his/her motor vehicle and require any passenger seated beside him/her to fasten that passenger's seat belt (in cases of an infant, this refers to the seat belt after an infant safety harness is mounted; hereinafter the same shall apply): Provided, That the same shall not apply to cases where it is difficult to fasten the seat belt due to any illness, etc. or due to any ground prescribed by Ordinance of the Ministry of Public Administration and Security.

(2) A driver of any motor vehicle (excluding any two-wheeled vehicle) shall remind passengers, other than passenger sitting beside the driver to fasten their seat belts, and in cases of any automobile, if an infant takes a seat other than the seat beside the driver, the driver shall fasten such infant’s seat belt.⁴⁹

Sri Lanka

There do not appear to be any requirements for child restraint systems in Sri Lanka.⁵⁰ Seat belts are, however, compulsory for the driver and front-seat passenger under a regulation of Sri Lanka’s Motor Traffic Act.⁵¹

Trinidad and Tobago

Section 43D of Trinidad and Tobago’s Motor Vehicles and Road Traffic Act 1934 provides that children aged five years old and under must be restrained by a seat belt or in a car seat when

⁴⁶ National Road Traffic Act 93 of 1996, 25 BSRSA (updated through 2013), <http://www.lawsouthafrica.ac.za/index.php/browse/motor-vehicles/national-road-traffic-act-93-of-1996/act/93-of-1996-national-road-traffic-act-20-nov-2010-to-date-pdf/download>.

⁴⁷ National Road Traffic Regulations § 213.

⁴⁸ *Id.*

⁴⁹ Act No. 7545, amended by Act No. 10790, June 8, 2011, art. 50, ¶¶ 1 & 2.

⁵⁰ AIT/FIA INFORMATION CENTRE (OTA), SEAT BELTS/CHILD RESTRAINTS 9 (2011), <http://www.aa.co.za/upload/documents/travel/Seat%20Belts%20and%20Child%20Restraints.pdf>.

⁵¹ Motor Traffic (Seat Belts) Regulations, No. 3 of 2011, § 4(c), http://public.kaputa.lk/user_files/bc/02/3/Gazette_Seat_Belts.pdf.

traveling in a vehicle.⁵² A 2013 report by the WHO gave Trinidad and Tobago a rating of 8 out of 10 for its enforcement of child seat-belt safety laws.⁵³

Turkey

An annex to the Turkish Regulation on Highway Traffic⁵⁴ sets forth the quantity and qualities of protective gear for drivers and passengers. Article 150 specifically applies to children and states which restraints are required for them in certain types of vehicles.⁵⁵

Vietnam

Vietnam's Law on Road Traffic requires that the driver and persons sitting in the front seat of a car wear safety belts if the car is equipped with them.⁵⁶

⁵² Motor Vehicles and Road Traffic Act 1934 § 43D, cap. 48:50, http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/48.50.pdf.

⁵³ *Country Profiles 2013: Trinidad and Tobago*, in WORLD HEALTH ORGANIZATION, GLOBAL STATUS REPORT ON ROAD SAFETY 2013 at 219, http://www.who.int/violence_injury_prevention/road_safety_status/2013/country_profiles/trinidad_and_tobago.pdf.

⁵⁴ Karayollari Trafik Yönetmeliği [Regulation on Highway Traffic] (July 18, 1997, as last amended Feb. 19, 2014), Republic of Turkey General Directorate of Highways, <http://www.kgm.gov.tr/Sayfalar/KGM/SiteTr/Trafik/KanunYonetmelikler.aspx> (click on title of Regulations to access). The Annex is List 1 (1 Sayili Cetvel), part (C). Scroll down to the section on “M1, M2, M3, M1G, N1, N2, N3 ve N1G sınıfı araçlar” and “Child restraint systems” (Çocuk bağlama sistemleri).

⁵⁵ *Id.* art. 150.

⁵⁶ Law on Road Traffic, No. 23/2008/QH12 (Nov. 13, 2008), art. 9, para. 2, http://vbqppl.moj.gov.vn/vbqp/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=10506.