

# Road Safety (Pillion Passengers) Bill

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TO

Make provision about protective helmets for children riding on motor cycles as pillion passengers; to make further provision about motor cycle construction and use in relation to pillion passengers; to make it an offence to carry a child as a pillion passenger without parental consent; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*Requirement for parental consent for children to ride as pillion passengers*

**1 Amendment of the Road Traffic Act 1988 relating to parental consent**

(1) The Road Traffic Act 1988 (c. 52) is amended as follows.

(2) After section 23 (restriction on carriage of persons on motor cycles), insert—

**“23A Requirement for parental consent for carriage of children as passengers on motor cycles** 5

(1) No person under the age of 17 may be carried on a motor bicycle without the consent of a person having parental responsibility for that person.

(2) If a person is carried on a motor cycle in contravention of this section, the driver of the motor cycle is guilty of an offence. 10

(3) In this section, ‘parental responsibility’—

(a) in relation to England and Wales, has the meaning given by section 3 of the Children Act 1989, and

(b) in relation to Scotland, shall be construed as a reference to ‘parental responsibilities’ within the meaning given by section 1(3) of the Children (Scotland) Act 1995.” 15

## 2 Amendment of the Road Traffic Offenders Act 1988

- (1) The Road Traffic Offenders Act 1988 (c. 53) is amended as follows.
- (2) In Part 1 of Schedule 2 (prosecution and punishment of offences under the Traffic Acts), in the Table, after the row relating to section 23 of the Road Traffic Act 1988, insert –

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<i>Provision creating offence</i>	<i>General nature of offence</i>	<i>Mode of prosecution</i>	<i>Punishment</i>	<i>Disqualification</i>	<i>Endorsement</i>	<i>Penalty points</i>
RTA section 23A	Carrying child as passenger on a motor cycle without parental consent	Summarily	6 months or level 5 on the standard scale or both	Discretionary	Obligatory	6

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*Protective helmets for children*

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## 3 Amendments of the Road Traffic Act 1988 relating to protective headgear

- (1) The Road Traffic Act 1988 (c. 52) is amended as follows.
- (2) After section 16(1) (power to make regulations about protective headgear for certain motor cycle users), insert –

“(1A) Regulations under subsection (1) shall, in particular, specify a description of protective headgear to be worn by persons under the age of 17 riding as pillion passengers on a motor cycle.”

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- (3) After section 17(1) (power to make regulations prescribing types of helmet recommended as affording protection to persons on or in motor cycles from injury in the event of accident), insert –

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“(1A) Regulations under subsection (1) shall, in particular, prescribe a type of helmet recommended as affording protection to persons under the age of 17 riding as pillion passengers on a motor cycle from injury in the event of accident.”

## 4 Amendment of the Motor Cycles (Protective Helmets) Regulations 1998

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- (1) The Motor Cycles (Protective Helmets) Regulations 1998 (S.I. 1998/1807) are amended as follows.
- (2) In regulation 4 (protective headgear), after paragraph (1), insert –

“(1A) Every person to whom paragraph (1) applies who is under the age of 17 shall wear protective headgear which is of a size and construction that enables the headgear –

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- (a) to be securely fastened to the head with a strap or chin cup suitable for the size of the head of that person,
- (b) to be worn without there being a gap of more than four centimetres between the top or sides of the person’s head and the inside of the helmet.”

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*Foot rests and supports***5 Amendment of the Road Vehicles (Construction and Use) Regulations 1986**

(1) The Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078) are amended as follows.

(2) For regulation 102 (passengers on motor cycles), substitute— 5

**“102 Passengers on motor cycles**

(1) Every two-wheeled motor cycle for use on a road shall have suitable supports or rests for the feet of a person carried astride that motor cycle in addition to the driver.

(2) The supports or rests referred to in paragraph (1) shall be constructed so as to enable them to be reached by the feet of a person aged 10 of average height for that age. 10

(3) Every two-wheeled motor cycle for use on a road shall be maintained in good working order so as to comply with the requirements of paragraphs (1) and (2).” 15

**6 Amendment of the Motor Vehicles (Tests) Regulations 1981**

(1) The Motor Vehicles (Tests) Regulations 1981 (S.I. 1981/1694) are amended as follows.

(2) In regulation 20 (fees for examinations), in paragraph (3A)(b), after the reference to “steering wheel”, insert— 20  
“supports or rests for passengers on motor cycles”.

(3) In Schedule 2 (the prescribed statutory requirements), in paragraph 1(a) (which relates to light motor bicycles and motor bicycles), in the Table, after the row relating to item 6A, insert—

<i>Item No.</i>	<i>Regulations</i>	<i>Affecting</i>	25
“6B	102	Supports or Rests for Passengers on Motor Cycles”	

*Final provisions***7 Short title, commencement and extent**

(1) This Act may be cited as the Road Safety (Pillion Passengers) Act 2005. 30

(2) Sections 1, 2 and 3 shall come into force on such date as the Secretary of State shall by order specify, but the date so specified shall be a date before the end of a period that ends eighteen months after the day on which this Act receives Royal Assent.

(3) Sections 4, 5 and 6 shall come into force on such date as the Secretary of State shall by order specify. 35

- (4) The power conferred by this section on the Secretary of State to make an order shall be exercisable by statutory instrument.
- (5) Every power conferred by this section on the Secretary of State to make an order includes power –
  - (a) to make different provision for different cases (including different provision in respect of different areas); 5
  - (b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and
  - (c) to make such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks fit. 10
- (6) This Act does not extend to Northern Ireland.

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To make provision about protective helmets for children riding on motor cycles as pillion passengers; to make further provision about motor cycle construction and use in relation to pillion passengers; to make it an offence to carry a child as a pillion passenger without parental consent; and for connected purposes.

*Ordered to be brought in by Mr Nigel Waterson,  
Mr John Horam, Mr Peter Ainsworth,  
Mr Robert Walter, Mr Roger Gale,  
Mr Julian Brazier, Mr Richard Spring,  
Mr Harry Barnes, Mr Edward O'Hara, Tom Cox,  
Mrs Jacqui Lait and Mr Bill Wiggin.*

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*Ordered, by The House of Commons,  
to be printed, 9th February 2005.*

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