



THE ROAD TRAFFIC ACT 1985

**The Motor Cycles (Protective Helmets and Visors)
Regulations 2000**

Approved by Tynwald : 16 May 2000
Coming into operation : In accordance with
regulation 1

In exercise of the powers conferred on the Department of Transport by section 24(1) and (3) of the Road Traffic Act 1985¹, and of all other enabling powers, the following Regulations are hereby made:-

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Motor Cycles (Protective Helmets and Visors) Regulations 2000 and, subject to section 74(3) of the Road Traffic Act 1985, shall come into operation -

- (a) as respects regulations 7 and 9, on 1st January 2001; and
- (b) otherwise, on 1 July 2000.

¹ 1985 c. 23

Price £1.50

Revocation

2. The Motor Cycles (Protective Helmets) Regulations 1981² are hereby revoked -
- (a) as respects regulations 2 to 4 and Schedule 1, with effect from 1 July 2000; and
 - (b) otherwise, with effect from 1st January 2001.

Interpretation

3. (1) In these Regulations, -

"the ECE Agreement" means the Agreement concerning the adoption of uniform conditions of approval for motor vehicles, their equipment and parts and reciprocal recognition thereof concluded by members of the United Nations' Economic Commission for Europe ("ECE") at Geneva on 20th March 1958³ as amended⁴;

"ECE Regulation 22" means Regulation N° 22 set out in Addendum 21 to the ECE Agreement;

"ECE Regulation 22.05" means ECE Regulation 22 as amended by -

- (a) all amendments in force on 1st January 2000;
- (b) draft supplement 2⁵ to the 04 series of amendments as adopted by the Administrative Committee (AC.1) of the ECE Agreement at its 11th session; and
- (c) the draft 05 series of amendments⁶ as adopted by the same committee at its 13th session;

"EEA State" means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993⁷;

² GC 106/81

³ Cmnd 2535

⁴ Cmnd 3562

⁵ TRANS/WP.29/667

⁶ TRANS/WP.29/694

⁷ Cm 2073 and 2183

"motor bicycle" means a two-wheeled motor cycle, whether or not having a sidecar attached, and for the purposes of this definition any two wheels of a motor cycle shall be counted as one wheel if the distance laterally between the centres of the areas of contact of those wheels with the road surface is less than 460 millimetres;

"protective helmet" means a helmet which -

- (a) either -
 - (i) bears a marking applied by its manufacturer indicating compliance with the specifications contained in one of the British Standards (whether or not as modified by any amendment) mentioned in the Schedule, or
 - (ii) is of a type manufactured for use by persons on motor cycles which by virtue of its shape, material and construction could reasonably be expected to afford to the wearer a degree of protection from accidental injury similar to or greater than that provided by a helmet of a type referred to in sub-paragraph (i); and
- (b) if fitted with a chin cup attached to or held in position by a strap, is provided with an additional strap (for fastening under the wearer's jaw) to secure the helmet to the head.

"strap" includes any fastening device; and

"visor" means headgear consisting of a transparent screen and designed or adapted -

- (a) to be attached to a helmet; and
- (b) to extend over the eyes and all or part of the face of a wearer.

(2) For the purposes of these Regulations, -

- (a) an approved certification mark is -
 - (i) the certification mark of the British Standards Institution, or
 - (ii) a certification mark which indicates that a conformity assessment equivalent to that of the British Standards Institution has been undertaken; and
- (b) an approved body is -
 - (i) the British Standards Institution, or

- (ii) any body approved by an EEA State to undertake conformity assessments equivalent to those undertaken by the British Standards Institution.

Exemption

4. Nothing in regulation 6 or 8 shall apply to any person driving or riding on a motor bicycle if -
- (a) it is a mowing machine;
 - (b) it is for the time being propelled by a person on foot; or
 - (c) he is a follower of the Sikh religion and is wearing a turban.

Saving for the Consumer Protection (Trade Descriptions) Act 1970 and the Consumer Protection Act 1991

5. Nothing in these Regulations shall be taken to authorise any person to apply any number or mark referred to therein in contravention of the Consumer Protection (Trade Descriptions) Act 1970⁸ or the Consumer Protection Act 1991⁹.

PART II PROTECTIVE HELMETS

Wearing of protective helmets

6. (1) Every person driving or riding (otherwise than in a sidecar) on a motor bicycle when on a road shall wear a protective helmet.

(2) A person shall not be regarded for the purposes of paragraph (1) as wearing a protective helmet unless it is securely strapped to his head.

Prescribed types of recommended helmet

7. The types of helmet hereby prescribed as types of helmet recommended as affording protection to persons on or in motor cycles from injury in the event of an accident are helmets which, as respects their shape, construction and other qualities, -

- (a) conform with British Standard 6658: 1985 as amended by Amendment Slip number 1 published on 28th February 1986 and are marked with the number of that standard;

⁸ Vol. XXI, p. 482

⁹ 1991 c. 9

- (b) conform with any other standard accepted by an EEA State which offers in use equivalent levels of safety, suitability and fitness for purpose and are marked with a mark to indicate that standard; or
- (c) conform with ECE Regulation 22.05 including its requirements relating to approval, marking, and conformity of production,

and which, if they comply with sub-paragraph (a) or (b), are marked with an approved certification mark of an approved body (whether or not they are required to be so marked by the standard in question).

PART III VISORS

Wearing of visors

8. No person driving or riding (otherwise than in a sidecar) on a motor bicycle on a road shall wear a visor unless that visor conforms to -

- (a) the requirements relating to Grade X in British Standard BS 4110: 1979 and is marked with that Grade and the number of that standard, and where relevant, with the words "Day time use only";
- (b) the requirements relating to Grade XA, YA or ZA in British Standard BS 4110: 1979 as amended by Amendment N° 1 (AMD 3368), Amendment N° 2 (AMD 4060), Amendment N° 3 (AMD 4630) and Amendment N° 4 (AMD 5898) and is marked with the number of that standard, with the Grade to which the visor conforms, and where relevant, with the words "Day time use only";
- (c) British Standard BS 4110: 1999 and is marked with the number of that standard, with the identification mark for level of impact resistance, and where relevant, with the words "Daytime use only";
- (d) any other standard accepted by an EEA State, which offers in use levels of safety, suitability and fitness for purpose equivalent to those offered under sub-paragraph (a), (b) or (c) and is marked with a mark to indicate that standard; or
- (e) ECE Regulation 22.05 including its requirements relating to approval, marking, and conformity of production,

and, if the visor complies with sub-paragraph (a), (b), (c) or (d), is marked with an approved certification mark of an approved body (whether or not it is required to be so marked by the standard in question).

Prescribed types of recommended visor

9. The type of visor hereby prescribed as a type of visor recommended as affording protection to persons on or in motor cycles from injury in the event of an accident is a visor which, as respects its shape, construction and other qualities, -

- (a) complies with sub-paragraph (a), (b), (c), (d) or (e) of regulation 8; and
- (b) if it complies with sub-paragraph (a), (b), (c) or (d) thereof, is marked with an approved certification mark of an approved body (whether or not it is required to be so marked by the standard to which the sub-paragraph in question refers).

SCHEDULE

BRITISH STANDARDS

1. British Standard 2001: 1956, whether or not amended by any of the following Amendment Slips -

<i>Number</i>	<i>Date of Publication</i>
1	11th January 1957
2	23rd November 1959
3	27th February 1962
4	11th June 1964
5	13th March 1968
6	18th February 1972

2. British Standard 1869: 1960, whether or not amended by any of the following Amendment Slips -

<i>Number</i>	<i>Date of Publication</i>
1	29th May 1963
4	3rd December 1965
5	13th March 1968
6	10th August 1971
7	3rd January 1972
8	15th May 1973
9	1st February 1974
10	2nd September 1974
11	1st March 1975

3. British Standard 2495: 1960, whether or not amended by any of the following Amendment Slips -

<i>Number</i>	<i>Date of Publication</i>
1	29th May 1963
2	22nd February 1965
3	7th December 1965
4	22nd July 1966
5	10th August 1971
6	3rd January 1972
7	1st February 1974
8	1st March 1975

4. British Standard 2001: 1972, whether or not amended by any of the following Amendment Slips -

<i>Number</i>	<i>Date of Publication</i>
1	12th December 1972
2	26th January 1973
3	1st February 1974
4	2nd September 1974
5	1st March 1975

5. British Standard 5361: 1976, whether or not amended by any of the following Amendment Slips -

<i>Number</i>	<i>Date of Publication</i>
1	30th September 1977
2	31st August 1978
3	31st August 1979

4 29th February 1980
5 27th February 1981

6. British Standard 2495: 1977, whether or not amended by any of the following Amendment Slips -

<i>Number</i>	<i>Date of Publication</i>
1	30th September 1977
2	31st August 1978
3	31st August 1979
4	29th February 1980
5	27th February 1981

7. British Standard 6658: 1985, whether or not amended by the following Amendment Slip -

<i>Number</i>	<i>Date of Publication</i>
1	28th February 1986

MADE 6th April

2000



Minister for Transport

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations replace the Motor Cycles (Protective Helmets) Regulations 1981 (GC 106/81) with modifications.

Subject to a strictly limited number of exemptions specified in regulation 4, regulation 6 requires every person driving or riding (otherwise than in a sidecar) on a motor bicycle on a road to wear a protective helmet as defined in regulation 3(1).

By virtue of a modified definition in regulation 3(1), the reference to a protective helmet now includes helmets complying with British Standard (BS) 6658: 1985 (as amended) as an alternative to any earlier BS specified in the Schedule. Any helmet not complying with a specified BS must, by virtue of its shape, material and construction, be reasonably expected to afford protection similar to or greater than that provided by a type of helmet which does so comply.

Regulation 7 prescribes certain types of helmet recommended as affording protection to persons on or in motor cycles from injury in the event of accidents. The types of helmet are so prescribed by reference to BS 6658: 1985 (as amended), ECE Regulation 22.05, or any other standard which is accepted by an EEA State and offers in use equivalent levels of safety, suitability and fitness for purpose. In this context "equivalent levels" means levels which are the same or greater in respect of the factors specified.

The modifications affecting regulation 7 are -

- (a) the prescribing of only the latest BS; and
- (b) the otherwise prescribing for the first time of ECE Regulation 22.05 and equivalent standards accepted by EEA States.

Regulations 8 and 9 make provision for the first time in relation to visors attached to protective helmets. Regulation 8 specifies, subject to the exemptions set out in regulation 4, the requirements which a visor must meet if it is worn by a person driving or riding on a motor bicycle (other than in a sidecar), whereas regulation 9 prescribes the type of visor recommended as affording protection from injury in the event of an accident. The requirements are those specified in British Standards, ECE Regulation 22.05, or in equivalent standards accepted by EEA States.

By virtue of section 24(4) of the Road Traffic Act 1985 it is an offence to sell or offer for sale a helmet or visor which is not respectively prescribed under regulation 7 or 9.

British Standards and their amendments may be obtained from any outlet operated by the British Standards Institution (BSI) or from BSI at 389 Chiswick High Road, London W4 4AL (telephone number: 020 8996 9000).

Copies of the ECE Agreement, ECE Regulation 22 and its amendments up to and including the 04 series of amendments may be obtained by writing or telephoning the Stationery Office Publications Centre, PO Box 276, London SW8 5DT (telephone: 020 7873 9090). The ECE website contains

- draft supplement 2 to the 04 series of amendments at <http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29fdoc.html>,
and
- the draft 05 series of amendments at <http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/nwdocs.html>.

Copies of the website documents have been placed in the Tynwald Library in Douglas.

"ECE", ECE expressions, and "EEA State" are defined in regulation 3(1).