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TO

Make provision for the wearing of protective headgear by children while riding cycles; to prescribe offences and penalties; and for connected purposes.

BE 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:—

1 Causing or permitting a child under 16 to ride a cycle on a road without protective headgear

(1) Except as provided by regulations, it is an offence for any person to whom this subsection applies to cause or permit a child under the age of 16 years to ride a cycle—

(a) on a road, or

(b) in any park, garden or recreation ground to which the public have access without payment,

unless the child is wearing protective headgear of such description as may be specified in regulations, in such manner as may be so specified.

(2) Subsection (1) above applies to the following persons—

(a) any person who—

(i) for the purposes of Part 1 of the Children and Young Persons Act 1933 (c. 12) has responsibility for the child, or

(ii) for the purposes of article 5 of the Children (Northern Ireland) Order 1995 (SI 1995/755 (NI 2)) has parental responsibilities in relation to the child, or

(iii) in relation to Northern Ireland has care of the child or is, otherwise than by virtue of article 5 of the Children (Northern Ireland) Order 1995, legally obliged to maintain the child, or

(iv) for the purposes of Part 2 of the Children and Young Persons (Scotland) Act 1937 (c. 37) has parental responsibilities (within the meaning given by section 1(3) of the Children (Scotland) Act 1995 (c. 36) (parental responsibilities)) in relation to the child, or has charge or care of the child;

(b) any owner of the cycle, if the owner is above the age of 15 years;

- (c) any person other than its owner who has custody of or is in possession of the cycle immediately before the child rides it, if that person is above the age of 15 years;
 - (d) where the child is employed, his employer and any other person to whose orders the child is subject in the course of his employment. 5
- (3) A person guilty of an offence under subsection (1) above is liable on summary conviction to a fine not exceeding level 1 on the standard scale.

2 Regulations

- (1) The Secretary of State may by regulations made by statutory instrument—
- (a) provide that section 1 of this Act shall not apply in relation to children of any prescribed description, or in relation to the riding of cycles in such circumstances as may be prescribed; 10
 - (b) prescribe for the purposes of that section (by reference to shape, construction or any other quality) the descriptions of protective headgear to be worn by children of any prescribed description in prescribed circumstances; and 15
 - (c) prescribe for those purposes the manner in which such headgear is to be worn.
- (2) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament. 20

3 Interpretation

In this Act—

- “cycle” means a bicycle, a tricycle or a cycle having four or more wheels not being in any case a motor vehicle; 25
- “regulations” means regulations under section 2 of this Act; and
- “road” —
 - (a) in England and Wales, has the meaning given by section 192(1) of the Road Traffic Act 1988 (c. 52) (general interpretation of Act), 30
 - (b) in Northern Ireland, has the meaning given by article 1(2) of the Road Traffic (Northern Ireland) Order 1995 (SI 1995/2994 (NI 18)); and
 - (c) in Scotland, has the meaning given by section 151(1) of the Roads (Scotland) Act 1984 (c. 54) (interpretation). 35

4 Commencement

- (1) This Act shall come into force on such a day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different purposes.
- (2) Before exercising the power under subsection (1) in relation to the coming into force in England and Wales of any provision of this Act, the Secretary of State shall consult the National Assembly for Wales. 40

- (3) Before exercising the power under subsection (1) in relation to the coming into force in Northern Ireland of any provision of this Act, the Secretary of State shall consult the relevant Northern Ireland department.
- (4) Before exercising the power under subsection (1) in relation to the coming into force in Scotland of any provision of this Act, the Secretary of State shall consult the Scottish Ministers.

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5 Short title and extent

- (1) This Act may be cited as the Protective Headgear for Young Cyclists Act 2004.
- (2) This Act extends to Scotland and Northern Ireland.

Protective Headgear for Young Cyclists Bill

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