



WELLINGTON, NEW ZEALAND

PURSUANT to *section 152* of the Land Transport Act 1998

I, *Mark Gosche*, Minister of Transport,

HEREBY make the following ordinary Rule:

Land Transport Rule: Head Restraints 2001

SIGNED AT Wellington

This 12th day of December 2001

Hon Mark Gosche

Minister of Transport

Land Transport Rule

Head Restraints 2001

Rule 32010/2001

As at 1 May 2021

Land Transport Rule

Head Restraints 2001

As at 1 May 2021

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Compilation notes

1 General

This is a compilation of *Land Transport Rule: Head Restraints 2001* that incorporates all the amendments to that Rule as at the date of the last amendment to it.

2 Format changes

Format changes to compilations are made so that the format of the compilation is consistent with current drafting practice, including:

- changes to the setting out of provisions, tables, and schedules:
- the repositioning of headings or notes:
- changes to typeface and type size:
- the addition or removal of boldface, italics, and similar textual attributes:
- the addition or removal of quote marks and rules:
- changes to the case of letters or words:
- addition of history and editorial notes.

3 Amendments incorporated in this reprint

Land Transport Rule: Head Restraints Amendment 2021

Land Transport Rule: Agency to Director (Consequential Changes) Amendment 2021

Land Transport Rule: Vehicle Standards Compliance Amendment 2019

Land Transport Rule: Vehicle Standards Compliance Amendment (No 3) 2013

Land Transport Rule: Vehicle Standards Compliance Amendment 2011

Land Transport Rule: Vehicle Standards Compliance Amendment 2010

Land Transport Management Amendment Act 2008

Land Transport Amendment Act 2005

Part 1

Rule requirements

Section 1 Application

1.1 Title

This rule is *Land Transport Rule: Head Restraints 2001*.

1.2 Scope of the rule

1.2(1) This rule applies to the head restraints of all motor vehicles except vehicles of Classes AB, TA, TB, TC and TD in *Table A* in *Part 2*.

1.2(2) This rule specifies requirements:

- (a) with which a motor vehicle must comply so as to be operated on a road; and
- (b) that are, for the purposes of *Land Transport Rule: Vehicle Standards Compliance 2002*, the applicable requirements for head restraints.

1.3 Date when rule comes into force

1.3(1) This rule revokes and replaces *Land Transport Rule: Head Restraints 1997*, which came into force on 1 January 1998.

1.3(2) This rule comes into force on 1 April 2002.

1.4 Application of rule provisions

1.4(1) This rule specifies requirements and approved vehicle standards for head restraints if they are fitted in a motor vehicle, but does not require a vehicle to be fitted with head restraints.

1.4(2) If there is a conflict between a provision of this rule and the corresponding provision of a document incorporated by reference in the rule, the provision of the rule applies.

1.4(3) If there is a conflict between a provision of this rule and a provision of *Land Transport Rule: Vehicle Standards Compliance 2002*, the provision of *Land Transport Rule: Vehicle Standards Compliance 2002* applies.

Clause 1.2(2)(b): amended, on 1 May 2021, by *clause 2.1* of *Land Transport Rule: Head Restraints Amendment 2021*.

Clause 1.4(3): amended, on 1 May 2021, by clause 2.2 of Land Transport Rule: Head Restraints Amendment 2021.

Section 2 Vehicle standards and other safety requirements

2.1 Requirements for motor vehicles with head restraints

A head restraint, if fitted in a motor vehicle, must comply with the relevant requirements in *Table 2.1* or *Table 2.2*.

2.2 General safety requirements

- 2.2(1) The external surfaces and padding of a head restraint must not have deteriorated to the extent that the likelihood of injury to an occupant of the vehicle to which it is fitted is increased.

Table 2.1—Requirements for motor vehicles that are not low volume vehicles

Class	Manufactured before 1 January 1991	Manufactured on or after 1 January 1991 and before 1 March 1999	Manufactured on or after 1 March 1999
MA, MB, MC, MD1	General safety requirements	General safety requirements	General safety requirements and approved vehicle standard
LA, LB1, LB2, LC, LD, LE1, LE2, MD2, MD3, MD4, ME, NA, NB, NC	General safety requirements	General safety requirements	General safety requirements

Table 2.2—Requirements for low volume vehicles¹

Class	Light motor vehicle last modified on or after 1 January 1992 and certified as a low volume vehicle
Low volume vehicle	General safety requirements and <i>Low Volume Vehicle Code</i>

Note:¹ The concept of low volume vehicles and hence certification for such vehicles was not initiated until after 1991. A motor vehicle last modified before 1 January 1992 does not have to comply with the *Low Volume Vehicle Code*, provided the vehicle has been continuously registered in New Zealand. It must, however, comply with the general safety requirements in 2.2.

- 2.2(2) An adjustable head restraint must remain able to be adjusted and locked into position in accordance with the manufacturer's specifications.

- 2.2(3) In assessing whether the general safety requirements in 2.2(1) and 2.2(2) are complied with, a person specified in *section 4* may take into account evidence that the head restraint is within the motor vehicle manufacturer's operating limits.

2.3 Approved vehicle standards

- 2.3(1) A head restraint must comply, if specified in *Table 2.1*, with a version, as specified in 2.3(4), of one of the approved vehicle standards in 2.3(2).
- 2.3(2) The approved vehicle standards for head restraints are:
- (a) *Council Directive of 16 October 1978 on the approximation of the laws of the Member States relating to head restraints of seats of motor vehicles (78/932/EEC)*;
 - (b) *Council Directive of 22 July 1974 on the approximation of the laws of the Member States relating to the interior fittings of motor vehicles (strength of seats and their anchorages) as amended by Commission Directive 96/37/EC of 17 June 1996 (74/408/EEC)*;
 - (c) *UN/ECE Regulation No. 17, Uniform provisions concerning the approval of vehicles with regard to the seats, their anchorages and any head restraints (E/ECE324-E/ECE/TRANS/505/Rev.1/Add.16)*;
 - (d) *UN/ECE Regulation No. 25, Uniform provisions concerning the approval of head restraints (headrests), whether or not incorporated in vehicle seats (E/ECE324-E/ECE/TRANS/505/Rev.1/Add.24)*;
 - (e) *Federal Motor Vehicle Safety Standard No. 202, Head Restraints - Passenger Cars*;
 - (f) *Australian Design Rule 22, Head Restraints*;
 - (g) *Technical Standard for Head Restraints (Japan)*.

Approved vehicle standards include amendments to standards

- 2.3(3) An approved vehicle standard in 2.3(2) includes all amendments to that standard, some of which may apply to classes of vehicle additional to those covered by the original standard.

Version of vehicle standards

- 2.3(4) A head restraint must comply with the version of an approved vehicle standard that is:
- (a) applicable in the relevant standard-setting jurisdiction to the date of manufacture of the motor vehicle or as specified in the standard; or

- (b) a more recent version of that standard if the safety performance of the motor vehicle is not adversely affected.

Compliance with vehicle standards

- 2.3(5) A head restraint and its components comply for the purpose of this rule with an applicable approved vehicle standard if:
- (a) they complied with that standard when the motor vehicle was manufactured or modified; and
 - (b) they are currently within safe tolerance of the state of the head restraint and its components when the motor vehicle was manufactured or modified.
- 2.3(6) A head restraint and its components that are manufactured, stocked or offered for sale in New Zealand, and are intended for fitting to a motor vehicle to be operated on a New Zealand road, must not prevent the vehicle from complying with one or more of the approved vehicle standards in 2.3(2), unless specifically designed for a vehicle:
- (a) to which a specified standard does not apply for any reason, for example, because of the vehicle's class or date of manufacture; or
 - (b) that is a low volume vehicle.
- 2.3(7) A head restraint in a low volume vehicle must comply, as specified in *Table 2.2*, with the requirements of the *Low Volume Vehicle Code* that are applicable to the date of certification or recertification of the motor vehicle as a low volume vehicle.
- 2.3(8) A motor vehicle must comply with an approved vehicle standard in this rule unless:
- (a) that vehicle was manufactured before the phase-in date for the model, or model variant, of that vehicle in the relevant standard-setting jurisdiction or as specified in the standard; or
 - (b) the model, or model variant, of that vehicle is not required by that standard itself to comply fully with that standard.

Section 3 Modification and repair

3.1 Modification

A modification to a motor vehicle that affects a head restraint:

- (a) must not prevent the vehicle from complying with this rule; and
- (b) must be certified as specified in *Land Transport Rule: Vehicle Standards Compliance 2002*.

3.2 Repair

A repair to a motor vehicle that affects a head restraint must comply with this rule and with *Land Transport Rule: Vehicle Repair 1998*.

Clause 3.1(b): amended, on 1 May 2021, by *clause 2.3 of Land Transport Rule: Head Restraints Amendment 2021*.

Section 4 Responsibilities

4.1 Responsibilities of operators

A person who operates a motor vehicle must ensure that the vehicle complies with this rule.

4.2 Responsibilities of repairers

A person who repairs a head restraint must ensure that the repair:

- (a) does not prevent the motor vehicle from complying with this rule; and
- (b) complies with *Land Transport Rule: Vehicle Repair 1998*.

4.3 Responsibilities of modifiers

A person who modifies a motor vehicle so as to affect the safety performance of a head restraint must:

- (a) ensure that the modification does not prevent the vehicle from complying with this rule; and
- (b) notify the operator if the vehicle must be inspected and, if necessary, certified, because there is reason to believe it is:
 - (i) a light motor vehicle that has been modified to become a low volume vehicle; or

- (ii) a heavy motor vehicle that has been modified so as to adversely affect its safety performance or compliance with this rule.

4.4 Responsibilities of certifiers

A certifier must not certify a motor vehicle under *Land Transport Rule: Vehicle Standards Compliance 2002* if they have reason to believe that the vehicle does not comply with this rule.

4.5 Responsibilities of manufacturers and retailers

A person may manufacture, stock or offer for sale a head restraint, or its components, intended for fitting to a motor vehicle to be operated on a New Zealand road, only if the head restraint or its components:

- (a) comply with this rule; and
- (b) do not prevent a repair to a vehicle, its structure, systems, components or equipment from complying with this rule.

Note: A breach of a responsibility in this section is an offence, as provided in the *Land Transport (Offences and Penalties) Regulations 1999*, and is subject to a penalty as specified in those regulations.

Clause 4.4: amended, on 1 May 2021, by *clause 2.4 of Land Transport Rule: Head Restraints Amendment 2021*.

Part 2

Definitions

Agency means the New Zealand Transport Agency established under *section 93* of the *Land Transport Management Act 2003*

Approved vehicle standard means a vehicle standard in 2.3(2).

Certifier means a person appointed by the Director in accordance with *Land Transport Rule: Vehicle Standards Compliance 2002*.

Certify in relation to a motor vehicle, means to verify that the vehicle complies with applicable requirements.

Class in relation to vehicles, means a category of vehicle of one of the Groups A, L, M, N and T, as specified in *Table A: Vehicle classes*.

EEC, EC are abbreviations for directives of the European Economic Community and, later, the European Communities.

Federal Motor Vehicle Safety Standard is a vehicle standard of the United States of America.

Gross vehicle mass has the same meaning as in *section 2(1)* of the *Land Transport Act 1998*.

Head restraint means a fitting forming part of a vehicle seat intended to restrain occupants' heads from excessive movement in the event of a crash.

Heavy motor vehicle means a motor vehicle that is either:

- (a) of Class MD3, MD4, ME, NB, NC, TC or TD; or
- (a) a vehicle (not of a class in *Table A: Vehicle classes*) with a gross vehicle mass that exceeds 3500 kg.

Light motor vehicle means a motor vehicle of any class except one defined as a 'heavy motor vehicle'.

Low volume vehicle has the same meaning as in *Land Transport Rule: Vehicle Standards Compliance 2002*.

Low Volume Vehicle Code means the code of the Low Volume Vehicle Technical Association Incorporated.

Manufacturer's operating limits means:

- (a) in relation to a motor vehicle, the allowance provided by the vehicle manufacturer in terms of performance capability and dimensions, relative to deterioration, malfunction or damage beyond which the safe performance of the vehicle, as defined by the vehicle manufacturer, is compromised; and
- (b) in relation to a system, component or item of equipment, incorporated in or attached to a vehicle, the allowance provided by the system, component or

equipment manufacturer in terms of performance capability and dimensions, relative to the deterioration, malfunction or damage, beyond which the safe performance of the system, component or item of equipment (and consequently the vehicle) is compromised.

Mobility device means—

- (a) a vehicle that—
 - (i) is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and
 - (ii) is powered solely by a motor that has a maximum power output not exceeding 1,500 W; or
- (b) a vehicle that the Agency has declared under *section 168A(1)* of the *Land Transport Act 1998* to be a mobility device.

Modify in relation to a motor vehicle, means to change the vehicle from its original state by altering, substituting, adding or removing any structure, system, component or equipment; but does not include repair.

Motor vehicle means a vehicle drawn or propelled by mechanical power; and includes a trailer; but does not include:

- (a) a vehicle running on rails;
- (b) [*Revoked*]
- (c) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force;
- (d) a trailer running on one wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres;
- (e) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles;
- (f) a pedestrian-controlled machine;
- (g) a vehicle that the Agency has declared is not a motor vehicle under *section 168A* of the *Land Transport Act 1998*;
- (h) a mobility device.

Operate in relation to a vehicle, means to drive or use the vehicle on a road, or to cause or permit the vehicle to be on a road, or to be driven on a road, whether or not the person is present with the vehicle.

Phase-in date means the date specified in an approved vehicle standard from which a model, or model variant, of a vehicle must comply with that standard or part of that standard.

Repair means to restore a damaged or worn motor vehicle, its structure, systems, components or equipment; and includes the replacement of damaged or worn structures, systems, components or equipment with equivalent undamaged or new structures, systems, components or equipment.

Safe tolerance means the tolerance within which the safe performance of the vehicle, its structure, systems, components or equipment is not compromised, having regard to any manufacturer's operating limits.

Technical Standard means a Japanese domestic vehicle standard issued by the Japanese Ministry of Land, Infrastructure and Transport and translated into, and published in, English by the Japan Automobile Standards Internationalization Center (JASIC) in the *Automobile Type Approval Handbook for Japanese Certification*.

UN/ECE is an abbreviation for a regulation of the United Nations Economic Commission for Europe.

Vehicle standard means a technical specification with which a motor vehicle, its structure, systems, components or equipment must comply, and which is adopted by:

- (a) the New Zealand Standards Council; or
- (b) any international, national or regional organisation with functions similar to the New Zealand Standards Council.

Part 2, Definitions, Agency: inserted, on 1 August 2008, by *Part 2 of Schedule 3 of the Land Transport Management Amendment Act 2008*.

Part 2, Definitions, certifier: amended, on 1 August 2008, by *Part 2 of Schedule 3 of the Land Transport Management Amendment Act 2008*.

Part 2, Definitions, certifier: amended, on 1 April 2021, by *clause 8.2 of Land Transport Rule: Agency to Director (Consequential Changes) Amendment 2021*.

Part 2, Definitions, certifier: amended, on 1 May 2021, by *clause 2.5(1) of Land Transport Rule: Head Restraints Amendment 2021*.

Part 2, Definitions, Director: revoked, on 1 August 2008, by *Part 2 of Schedule 3 of the Land Transport Management Amendment Act 2008*.

Part 2, Definitions, gross vehicle mass: replaced, on 1 June 2019, by *clause 2.2 of Land Transport Rule: Vehicle Standards Compliance Amendment 2019*.

Part 2, Definitions, low volume vehicle: replaced, on 1 April 2011, by *clause 3.1 of Land Transport Rule: Vehicle Standards Compliance Amendment 2011*.

Part 2, Definitions, low volume vehicle: replaced, on 1 May 2021, by *clause 2.5(2) of Land Transport Rule: Head Restraints Amendment 2021*.

Part 2, Definitions, mobility device: inserted, on 22 June 2005, by *Part 6 of the Schedule to the Land Transport Amendment Act 2005*.

As at 1 May 2021

*Part 2, Definitions, **mobility device**, paragraph (b):* amended, on 1 August 2008, by *Part 2 of Schedule 3 of the Land Transport Management Amendment Act 2008.*

*Part 2, Definitions, **motor vehicle**, paragraph (b):* revoked, on 22 June 2005, by *Part 6 of the Schedule to the Land Transport Amendment Act 2005.*

*Part 2, Definitions, **motor vehicle**, paragraph (g):* inserted, on 22 June 2005, by *Part 6 of the Schedule to the Land Transport Amendment Act 2005.*

*Part 2, Definitions, **motor vehicle**, paragraph (g):* amended, on 1 August 2008, by *Part 2 of Schedule 3 of the Land Transport Management Amendment Act 2008.*

*Part 2, Definitions, **motor vehicle**, paragraph (h):* inserted, on 22 June 2005, by *Part 6 of the Schedule to the Land Transport Amendment Act 2005.*

*Part 2, Definitions, **scratch-built vehicle**:* revoked, on 1 January 2014, by *clause 3.1 of Land Transport Rule: Vehicle Standards Compliance Amendment (No 3) 2013.*

Table A—Vehicle classes

Class	Description
AA (Pedal cycle)	A vehicle designed to be propelled through a mechanism solely by human power.
AB (Power-assisted pedal cycle)	A pedal cycle to which is attached one or more auxiliary propulsion motors having a combined maximum power output not exceeding 300 watts.
LA (Moped with two wheels)	A motor vehicle (other than a power-assisted pedal cycle) that: (a) has two wheels; and (b) either: (i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or (ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h.
LB (Moped with three wheels)	A motor vehicle (other than a power-assisted pedal cycle) that: (a) has three wheels; and (b) either: (i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or (ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h.
LB 1	A Class LB motor vehicle that has one wheel at the front and two wheels at the rear.
LB 2	A Class LB motor vehicle that has two wheels at the front and one wheel at the rear.
LC (Motor cycle)	A motor vehicle that: (a) has two wheels; and (b) either: (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h.
LD (Motor cycle and side-car)	A motor vehicle that: (a) has three wheels asymmetrically arranged in relation to the longitudinal median axis; and (b) either: (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h.
Side-car	A car, box, or other receptacle attached to the side of a motor cycle and supported by a wheel.
LE (Motor tri-cycle)	A motor vehicle that: (a) has three wheels symmetrically arranged in relation to the

Class	Description
	<ul style="list-style-type: none"> longitudinal median axis; and (b) has a gross vehicle mass not exceeding one tonne; and (c) either: <ul style="list-style-type: none"> (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h.
LE 1	A Class LE motor vehicle that has one wheel at the front and two wheels at the rear.
LE 2	A Class LE motor vehicle that has two wheels at the front and one wheel at the rear.
Passenger vehicle	<p>A motor vehicle that:</p> <ul style="list-style-type: none"> (a) is constructed primarily for the carriage of passengers; and (b) either: <ul style="list-style-type: none"> (i) has at least four wheels; or (ii) has three wheels and a gross vehicle mass exceeding one tonne.
MA (Passenger car)	A passenger vehicle (other than a Class MB or Class MC vehicle) that has not more than nine seating positions (including the driver's seating position).
MB (Forward control passenger vehicle)	<p>A passenger vehicle (other than a Class MC vehicle):</p> <ul style="list-style-type: none"> (a) that has not more than nine seating positions (including the driver's seating position); and (b) in which the centre of the steering wheel is in the forward quarter of the vehicle's total length.
MC (Off-road passenger vehicle)	<p>A passenger vehicle, designed with special features for off-road operation, that has not more than nine seating positions (including the driver's seating position), and that:</p> <ul style="list-style-type: none"> (a) has four-wheel drive; and (b) has at least four of the following characteristics when the vehicle is unladen on a level surface and the front wheels are parallel to the vehicle's longitudinal centre-line and the tyres are inflated to the vehicle manufacturer's recommended pressure: <ul style="list-style-type: none"> (i) an approach angle of not less than 28 degrees; (ii) a breakover angle of not less than 14 degrees; (iii) a departure angle of not less than 20 degrees; (iv) a running clearance of not less than 200 mm; (v) a front axle clearance, rear axle clearance, or suspension clearance of not less than 175 mm.
Omnibus	A passenger vehicle that has more than nine seating positions (including the driver's seating position). An omnibus comprising two or more non-separable but articulated units shall be considered as a single vehicle.
MD (Light omnibus)	An omnibus that has a gross vehicle mass not exceeding 5 tonnes.

Class	Description
MD 1	An omnibus that has a gross vehicle mass not exceeding 3.5 tonnes and not more than 12 seats.
MD 2	An omnibus that has a gross vehicle mass not exceeding 3.5 tonnes and more than 12 seats.
MD 3	An omnibus that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 4.5 tonnes.
MD 4	An omnibus that has a gross vehicle mass exceeding 4.5 tonnes but not exceeding 5 tonnes.
ME (Heavy omnibus)	An omnibus that has a gross vehicle mass exceeding 5 tonnes.
Goods vehicle	<p>A motor vehicle that:</p> <ul style="list-style-type: none"> (a) is constructed primarily for the carriage of goods; and (b) either: <ul style="list-style-type: none"> (i) has at least four wheels; or (ii) has three wheels and a gross vehicle mass exceeding one tonne. <p>For the purpose of this description:</p> <ul style="list-style-type: none"> (a) a vehicle that is constructed for both the carriage of goods and passengers shall be considered primarily for the carriage of goods if the number of seating positions multiplied by 68 kg is less than 50% of the difference between the gross vehicle mass and the unladen mass; (b) the equipment and installations carried on special purpose vehicles not designed for the carriage of passengers shall be considered to be goods; (c) a goods vehicle that has two or more non-separable but articulated units shall be considered to be a single vehicle.
NA (Light goods vehicle)	A goods vehicle that has a gross vehicle mass not exceeding 3.5 tonnes.
NB (Medium goods vehicle)	A goods vehicle that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 12 tonnes.
NC (Heavy goods vehicle)	A goods vehicle that has a gross vehicle mass exceeding 12 tonnes.
Trailer	A vehicle without motive power that is constructed for the purpose of being drawn behind a motor vehicle.
TA (Very light trailer)	A single-axled trailer that has a gross vehicle mass not exceeding 0.75 tonnes.
TB (Light trailer)	A trailer (other than a Class TA trailer) that has a gross vehicle mass not exceeding 3.5 tonnes.

Class	Description
TC (Medium trailer)	A trailer that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 10 tonnes.
TD (Heavy trailer)	A trailer that has a gross vehicle mass exceeding 10 tonnes.

*Part 3, Table A—Vehicle Classes, item related to **Class AB (power-assisted pedal cycles)**: amended, on 1 April 2010, by clause 3.1 of Land Transport Rule: Vehicle Standards Compliance Amendment 2010.*