

Transport Factsheet – Issue 1

Children, Transport & Seatbelts

On Monday 18 September 2006 new legislation will come into effect making important changes to transport arrangements for children. The details below summarise the main points of the new requirements.

Vehicles with less than 8 seats

Where children under the age of twelve are being carried and seat belts are fitted, they must also use a child restraint appropriate for their size and/or weight. The criteria is the same whether they use either the front or rear seats. Although there is no guidance on the age a passenger is eligible to use the front passenger seat, best practice would suggest that smaller children should not do so. Legally, the driver is responsible for all passengers under the age of 14 in the vehicle therefore, it is down to the driver to ensure that children are correctly seat belted. There are three main exemptions to the criteria which are:

- For a journey undertaken in a licensed taxi/private hire vehicle,
- For a short distance of unexpected necessity,
- If two occupied child restraints prevent the fitting of a third (ie the middle seat in the rear of the vehicle).

It should be noted that some local authorities are using the first exemption as a loop-hole to avoid compliance on home to school transport operations. However, Torbay Council recognise that the spirit of the legislation is to improve child safety. In line with this the new criteria will be enforced for all children traveling on home to school transport funded by the council.

The definition of appropriate child restraints are:

Age (range approx)	Child restraint type	Weight range
Birth to 9 -12 months	Baby seat	Up to 13 kgs
9 months to 4 years	Child seat	9 kgs to 18 kgs
4 years to 6 years	Booster seat	15 kgs to 25 kgs
6 years to 11 years (under 1.35 metres in height)	Booster cushion	22 kgs to 36 kgs

Further information is available at:

<http://www.thinkroadsafety.gov.uk/campaigns/childcarseats/pdf/law-leaflet.pdf>

Vehicles with more than 8 seats

The wearing of a seatbelt is already compulsory in many minibuses. If available, an appropriate child seat must also be used in these vehicles but operators are not required to provide them.

From 18 September 2006, seated passengers aged 14 years and above will have to use seat belts where they are fitted in all buses and coaches. Regulations requiring children aged 3 years to 13 years to use seat belts (or child restraints if they are available) will be brought forward as soon as practicable. The regulations will not include any obligation for anyone to provide child restraints in these vehicles.

There is nothing in law to prevent child restraints being used if they fit in a bus or coach. However, these vehicles may only have lap belts and most child seats need lap and diagonal belts in order to be secured. In addition, the seats in these vehicles may be the wrong proportions for child restraints.

In addition, minibus and coach operators will have a duty to inform passengers to wear seat belts, where fitted. The operator will be expected to make an announcement when passengers board the vehicle, or soon after, that seat belts need to be worn. The announcement can be made verbally by the driver or as an audio/visual presentation. Alternatively, signs or pictograms can be placed within view of every seat fitted with a belt.

Operators on the Council's Approved Contractor list have been notified of these new requirements.

Further information on the new requirements for minibuses and coaches can be found at:

http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_612405.hcsp

The pictogram required by the Department for Transport is shown below:



Should any advice or further information be required please contact:
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