

# Advice and Information

## Operational

### Medical Exemption Certificates

#### Contents

Introduction

Legislation

Exemption Certificates

Risk Assessments

#### Introduction

Passengers must wear a seat belt in cars, vans and other vehicles if one is fitted. Adults, and children aged 14 years and over, must use a seat belt or child restraint, where fitted, when seated in minibuses, buses and coaches. Exemptions are allowed for the holders of medical exemption certificates.

#### Legislation

There are several bits of legislation that community transport providers (CTs) need to be aware of:

- The **Health and Safety at Work Act 1974**, as amended, which places a duty of care on employers to protect people other than those at work e.g. members of the public, volunteers, and customers from risks to their health and safety arising out of, or in connection with, their work activities.
- The **Motor Vehicles (Wearing of Seat Belts) Regulations 1993**, The **Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993**, as amended, and The **Motor**

**Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006** all of which regulates who must wear seat belts and who is responsible for ensuring passenger comply with regulations.

- Sections 14 and 15 of The **Road Traffic Act 1988**, as amended, which provides exemptions to seatbelt wearing legislation in certain circumstances.

[Back up](#)

## Exemption Certificates

The law states that all passengers must wear a seat belt if one is fitted in the seat that they are using unless they have a medical exemption. A passenger needs to request such an exemption from their doctor. If the doctor agrees that the passenger doesn't need to wear a seat belt for a medical reason they will give the passenger a 'Certificate of Exemption from Compulsory Seat Belt Wearing'. The passenger must keep this with them and show it to the police if they are stopped whilst traveling.

We would advise that an organisation should refrain from transporting the passenger until they can:

1. See the exemption certificate - a letter from the passenger's doctor is not acceptable
2. Carry out a risk assessment which covers the passenger not using a passenger seat belt
3. Obtained confirmation from the vehicle insurance company that they approve control measure outlined in the risk assessment and will continue to insure the vehicles.

The organisation is within their rights to request to see a copy of a passenger's medical exemption certificate and we would advise that they take a copy for their records.

[Back up](#)

## Risk Assessments

Everything in life has a degree of risk attached to it and transport provision is no exception. Branches must manage risk in such a way that it is deemed to be acceptable. Of course, what is considered acceptable and/or unacceptable will change over time as technology and working practices improve.

The Management of Health & Safety at Work Regulations 1999 requires an employer to make a suitable and sufficient assessment of the:

- a) risks to the health and safety of his employees to which they are exposed whilst they are at work; and
- b) risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking.

All employers are covered by this legislation, including non-profit making bodies. Although only employers with more than five employees are obliged to record the findings of a risk assessment, the CTA believes that it is good practice for all organisations, including those run entirely by volunteers, to record the outcome of risk assessments. The Health and Safety Executive (HSE) has established a five-step guide to risk assessment and for more guidance see the CTA advice leaflet: [Health and Safety - Risk Assessments](#).

Organisations need to undertake a risk assessment on the carriage of the passenger in order to assess the safest place for them to sit when they are travelling. We recommend that this risk assessment is carried out with the passenger, a representative of the passenger, one of the drivers and a passenger assistant if possible. This will enable all parties to input in to the risk assessment and to agree the safest course of action.

We do not recommend that the passenger sits alongside the driver because in the event of an incident the unrestrained passenger will effectively become a missile that can cause damage to others. If there is an incident the organisation would not want their driver to be injured especially if the vehicle was then required to continue on its journey. The organisation will also want to ensure that other passengers do not sit alongside the unrestrained passenger for similar reasons. The best place for an unrestrained passenger to sit is usually on the nearside of the vehicle in the row behind the driver with all other passengers sitting beside them.

On completion of the risk assessment the organisation need to tell their vehicle insurer to make sure they are happy with the findings and that they will continue to insure the vehicles.

Organisations will need to review the risk assessment if anything changes or at least annually. We also advise that organisations note when the exemption certificate expires and ensure they obtain a copy of the new one.

[Back up](#)

## About the Community Transport Association

The Community Transport Association is a national charity that represents and supports providers of community transport: thousands of other local charities and community groups across the UK that all provide transport services that fulfil a social purpose and community benefit. We are for, and about, accessible and inclusive transport.

We help our members remain relevant and responsive to key areas of public policy and to make a big difference for the people and families in the communities in which they work. Our vision is of a world where people can shape and create their own accessible and inclusive transport solutions and our mission is to achieve this through championing accessible and inclusive transport, connecting people and ideas and by strengthening our members and raising standards.

Keep up to date with CTA via our website or by signing up to our monthly [News Brief](#).

### About CTA's Advice Service

The CTA's Advice Service is available to CTA members, community and other voluntary groups, local authorities and other statutory bodies. It offers information and support on any aspect of non-profit transport operations. The CTA's Advice Service covers the whole of the UK and is supported by national governments. We will only ever explain the most accurate and commonly accepted interpretation of regulations and best practice. We do this by providing support and information on a wide range of community transport related topics such as permits and licensing regulations and by signposting to other agencies. The Advice Service does not exist to provide legal advice on any topics. If you are still unsure you will need to seek [legal advice](#).

#### For more information, contact

[advice@ctauk.org](mailto:advice@ctauk.org) | 0345 130 6195 | [www.ctauk.org](http://www.ctauk.org)

This leaflet has been primarily produced for members of the CTA. If your organisation has benefited from using it but isn't a member please consider joining us, for more details please see: <https://ctauk.org/why-become-a-cta-member>.

#### Disclaimer:

The Community Transport Association has made every effort to ensure the accuracy of the information contained in this leaflet, but it should be noted that this is only a guide, and should be treated as such.