

Advice and Information

Operation

Seat Belts and Child Restraints in Minibuses

Contents

Introduction

Legislation

Seatbelts

Front Seats

Rear Seats

Passengers under 14 years old

Passengers over 14 years old

Types of Seat

Exemptions

Medical Certificates

Disabled Passenger Harnesses

Risk Assessments

Booster Seats/Cushions

Purchasing new Child Restraints

Care of Child Restraints

Introduction

This advice leaflet provides advice about child restraints and seat belts for community transport operators who transports other people's children in a minibus. Seat belts on their own are less effective for children because they are primarily designed for adults and if there is a crash, a child may slide under an adult belt because the lap strap is too high over their abdomen, or the belt could cause serious injuries to the child.

Whilst the secure fitting of most child restraints to minibus seats can be very difficult, in minibuses with 'all age' seatbelts or by using booster cushions, children over 6 years old can usually be carried

safely. For younger children, test fitting of child restraints is advised to see which can be secured correctly.

Legislation

There are several bits of legislation that regulates who must wear seat belts and who is responsible for ensuring passengers comply with regulations 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.
- In Great Britain, the **Motor Vehicles (Wearing of Seat Belts) Regulations 1993**, as amended, and the **Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993**, as amended
- In Northern Ireland, the **Motor Vehicles (Wearing of Seat Belts by Children) Regulations (Northern Ireland) 1982**, the **Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations (Northern Ireland) 1993**
- Sections 14 and 15 of The **Road Traffic Act 1988**, as amended, which provides exemptions to seatbelt wearing legislation in certain circumstances.

All passengers aged 14 years or over must wear seatbelts when travelling in a minibus where they are fitted. Where passengers under the age of 14 are travelling in a minibus there is no legal requirement for them to wear seat belts but it is much safer if they do so. Organisations have a responsibility to ensure that they comply with the law, are aware of their 'duty of care' and should undertake risk assessments to enable their passengers to travel safely. For more guidance, see the CTA advice leaflet: [Health and Safety - Risk Assessments](#).

[Back up](#)

Seatbelts

There is overwhelming evidence that wearing seat belts in the front and rear of a vehicle substantially reduces deaths and disabling injuries in road traffic accidents. In a crash at 30 mph unrestrained passengers can hit whatever is in front of them with a force of up to 35 - 60 times their own body weight. Reductions of up to 50%, of all types of injury including fatalities, have been recorded. Injuries to the head, face and eyes are particularly reduced.

Air bags are designed to work with seat belts; they are not an alternative to seat belts. An activated airbag can seriously hurt a driver or passenger who is not using a seat belt.

Passengers need to be informed where the wearing of seat belt is now a legal requirement. This can be achieved via:

- signage on the vehicles, in the form of pictograms, displayed at every seat position
- verbal notification:
 - where the user may be unable to read the signs (sight impaired or learning difficulties for example)
 - where the driver is aware that the user has not put on the belt
- assistance where the user may be unable to fit their own belt.



[Back up](#)

Front Seats

The seat belt regulations on the wearing of seat belts by children in front seats highlighted above do not apply to the front seats minibuses (vehicles carrying more than 8 but less than 17 passengers) where the maximum authorised mass exceeds 3.5 tonnes. Children under the age of 3 are not permitted to travel in the front where seat belts are not provided or without an appropriate child restraint.

Passengers aged 14 and over are legally responsible for ensuring they wear a seat belt and where they are sitting in the front seats (in minibuses those seats alongside the driver) they must use the seat belt provided or an appropriate child car seat where applicable.

The driver is responsible for:

- Ensuring that children under 3 years old use an appropriate child restraint
- Ensuring children over 3 years up to 12 years old but under 1.35 metres tall use an appropriate child restraint if available or if not available that they use the seat belt
- Ensure that children between 12 and 13 years old or over 1.35 metres tall use the available seat belt.

[Back up](#)

Rear Seats

Passengers under 14 years old

CTA recommends that all passengers under 14 must be encouraged to wear the seat belt or child restraint provided. The driver is responsible for passengers under 14 in minibuses with an unladen weight of 2540kg or less. In minibuses above this weight there is no statutory requirement for under 14's to wear a seat belt or child restraint however, CTA recommends that the wearing of seat belts should be an organisations 'condition of carriage'. This is achieved by:

- drivers, under their 'duty of care' encouraging under 14's to wear the seat belt and notify their organisation if they have concerns that a passenger may need a child restraint
- carrying out risk assessments and where a child restraint is recommended the organisation could either provide a child restraint or ask the hiring group if they can provide one. N.B. Organisations, as the Operator, are not required to provide child restraints, but if they are available and if they can be fitted properly, they must be used
- drivers being fully trained to be able to fit any approved child restraint and use every safe opportunity to ensure that passengers under 14 remain safely restrained

- adults supervising the under 14's actively encouraging the wearing of seatbelts, not just for their safety but for the safety of others in the minibus.

CTA recommends that organisations ensure that sufficient seat belt signs are on all vehicles with daily checks by the drivers to ensure they have not been defaced or removed. We also recommend that operators carry out risk assessments. For further guidance, see [Risk Assessments](#)

Passengers over 14 years old

All seated passengers over 14 must use the seat belt provided unless they qualify for an exemption certificate, see below.

[Back up](#)

Types of Seat

Child restraints are divided into categories, according to the weight of the children for whom they are suitable. These correspond broadly to different age groups, but it is the weight of the child that is most important when deciding what type of child restraint to use. Some child restraints are capable of being converted as the child grows and, therefore, fit into more than one group or stage.

Rear facing baby seats must not be used where an activated airbag is fitted, where possible, it is advised that they are deactivated when a car seat is in position.

There are many different types of child restraints on the market and it is very important to ensure that you are providing the appropriate one for each child you transport. Approved child restraints must:

- Conforms to the United Nations standard, ECE Regulation 44.04 (or R 44.03) or to the new i-size regulation, R129. Look for the 'E' mark label on the seat.
- Is suitable for your child's weight and size
- Is correctly fitted according to the manufacturer's instructions.

For more information on the different types of child restraints, see the [ROSPA website](#).

There are legal penalties for drivers who do not comply with the regulations, starting with a fixed penalty notice rising to a fine if a case goes to court. In addition to the legal penalties, failure to wear a seat belt or failure to ensure that a child passenger uses an appropriate child restraint or wears a seat belt according to the legal requirements described above, could affect any claims against your motor insurance cover.

[Back up](#)

Exemptions

Medical Certificates

There is an exemption for anyone holding a valid certificate signed by a medical practitioner stating that it is inadvisable on medical grounds for them to wear a seat belt. In deciding whether to grant an exemption, a medical practitioner needs to judge each case on its merits. There are no conditions (e.g. pregnancy), which justify automatic exemption.

All certificates must specify a period of validity, which may be as long or as short as medically justified. Note that a medical practitioner's letter is not, in law, a valid substitute. The passenger must keep the certificate with them to show, if challenged, by the police. An organisation's insurers may need to be informed if someone is travelling when not restrained.

Certificates of exemption from compulsory seat belt wearing bear the recognised EU symbol and will be accepted in EU member states. A person is not exempt until they have the proper certificate issued by a doctor. For more guidance, see the CTA advice leaflet: [Operational - Medical Exemption Certificates](#).

The CTA recommends that a risk assessment be undertaken for passengers travelling with a medical exemption certificate to determine where they can safely sit whilst travelling in the minibuses. For more information, see [Risk Assessments](#).

Disabled Passenger Harnesses

Disabled passenger harnesses are designed to offer postural support for children and adults with special needs or in the case of learning difficulties and challenging behaviour, they offer a certain degree of restraint. Disabled passenger harnesses are not safety harnesses and should be worn in conjunction with existing safety belts.

[Back up](#)

Risk Assessments

Everything in life has a degree of risk attached to it and transport provision is no exception. Operators 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 & Safety Executive (HSE) has established a five-step guide to risk assessment. For more guidance, see the CTA advice leaflet: [Health and Safety - Risk Assessments](#).

[Back up](#)

Booster Seats/Cushions

The law on backless booster seats/cushions is confusing, with the law being changed in February 2017. The regulations mean that manufacturers are no longer allowed to introduce new models of backless booster seats/booster cushions for younger children who are shorter than 125cm and weighing less than 22kgs. The law only applies to new products entering the market and does not affect any booster seats/cushions already being used, even where they have been approved under the older law, stocked in shops. The [Department for Transport](#) has confirmed that the new rules don't affect current models of backless boosters and booster seats.

Purchasing new Child Restraints

CTA recommend that operators take care when purchasing new child restraints to ensure they read the manufacturer's labels and ensure that they conform to the appropriate standards. Where operators are purchasing booster seats they need to ensure that if the children are shorter than 125cm and weighing less than 22kgs they will need use a high back booster car seat.

It is recommended that operators look for the label, shown to the right, to ensure that the child restraint conforms to the UN ECE R44.04 (or R44.03), or the i-size standard (R129) and displays an "E" mark.



Care of Child Restraints

It is important to check that child car seats are in a safe condition.

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 | 0345 130 6195 | 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.