

# Advice and Information

## Operation

### Seat Belts and Child Restraints in Cars

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#### 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.

All children under 14 years old who are under 1.35m (4'5") to use an appropriate child restraint, baby seat, child seat or booster seat when travelling in cars, vans and goods vehicles.

Organisations therefore have a responsibility to ensure that they comply with the law and be aware of their 'duty of care' to undertake risk assessments to enable passengers to travel safely.

## 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.

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## 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.

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## In Cars and MPVs

In vehicles with 8 or less passenger seats, passengers aged 13 and above must wear seat belts if they are fitted. Children under the age of 12 **must** use an appropriate child restraint. There are exceptions from the legislation, which will allow children to travel in the rear of these vehicles using an adult seat belt:

- in a taxi, if the right child restraint is not available
- in an emergency or an unexpected journey where the right child restraint is not available
- where two occupied child seats in the rear prevents the fitment of a third child seat.

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## Community Car Schemes

Community Car Schemes, therefore, should be aware of their duty to provide suitable child restraints and that they can't claim exemption for being a taxi. The CTA suggests that organisations ask parents or guardians if they already have access to a car seat that can be used for the trip or that they purchase suitable car seats for the age ranges shown below. All drivers should know how to fit any child car seat, as the table below shows, the driver is responsible for children under the age of 14.

Who	Front Seat	Rear Seat	Who is Responsible
Driver	Seat belt must be worn if fitted	-	Driver
Child under 3 years of age	Correct child restraint must be used	Correct child restraint must be used. If not available in a taxi, may travel unrestrained	Driver

Child aged 3 - 11 and under 1.35 metres (approximately 4ft 5in in height)	Correct child restraint must be used	Correct child restraint must be used where seat belts fitted. Must use adult belt if: - in a taxi, the correct child restraint not available on a short and occasional trip, the correct child restraint not available - two occupied child restraints prevent fitment of a third	Driver
Child 12 or 13, or over 1.35 metres (approximately 4ft 5in in height)	Seat belt must be worn if fitted	Adult seat belt must be worn if fitted	Driver
Adult passenger	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

## 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.

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## 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 minibus. For more information, see [Risk Assessments](#).

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## 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 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](#).

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## 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.

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## 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.

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## Care of Child Restraints

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

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## 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.