



National
Guidance

<http://oeapng.info>

Seat belts and child restraints

When arranging transport for any off site visit, you will need to determine when and where seat belts and child restraints should be worn. The law on using seat belts and child restraints can appear complex but the law is only one factor in the decision. The other factor is your duty of care to the visit participants. This document sets out both the law and some thoughts on good practice.

The law

What the law requires depends on the age, height and weight of the young person and the type of vehicle being used.

The key ages to be aware of are:

- Children up to the age of 3
- Children aged 3 until they reach 1.35m tall or age 12 (whichever comes first)
- Children aged 12 or 13 (or younger children who are over 1.35m tall)
- Children over 14

The following attempts to summarise what the law requires of these different age groups in relation to various modes of transport.

Private cars, vans and goods vehicles

A child of up to 3 years old **must** use the correct child restraint whether in the front or back seat. A rearward facing child seat **must not** be used in the front where there is an active passenger airbag. It is illegal to transport a child under 3 in a private car or van unless they use the correct restraint.

A child aged from 3 up to 12, and under 135cm tall, **must** use the correct child restraint whether in the front or back seat. In the following exceptions it is legally acceptable for these children to use adult seat belts when travelling in the rear seats:

- A short, unexpected but necessary journey
- Where the vehicle has three adult seatbelts in the back but there are two occupied child restraints which make it impossible to fit a third restraint. A third child may use the adult seat belt.
- Where the vehicle is not fitted with seat belts (e.g. a classic car)

A child over 1.35m tall or aged 12 or 13 **must** wear a seat belt if fitted. It is the driver's responsibility to ensure this.

Anyone aged 14 and over **must** wear a seat belt if fitted. They are legally responsible in their own right.

Some estate cars have rear facing seats in the luggage compartment for use by children and some 2+2 sports cars have small rear seats. Appropriate child restraints must be used on these seats unless the seats themselves comply with the type approval standard for child seats. Consult the handbook or vehicle manufacturer to check.

Taxis and private hire vehicles

The same rules apply apart from the following variations:

- When a child restraint is not available a child up to age 3 may travel unrestrained in the rear of a taxi or private hire vehicle.
- Children aged from 3 up to 12, and under 1.35m tall, may travel in the back seats of these vehicles using the adult seat belt when a suitable restraint is not available.

Smaller minibuses (up to 2,540kg unladen weight)

In the front seats children aged up to 3 and those aged from 3 to 12, and less than 1.35m tall, must use the appropriate child restraint. All other age groups must use the seat belt.

In the rear seats children aged up to 3 must use an appropriate restraint if available. Children aged from 3 to 12, and under 1.35m tall, must use an appropriate restraint if available or, where no suitable restraint is available, the adult seat belt (where fitted). Children aged 12 and over (or younger children over 1.35m tall) must use the seat belt where fitted. Children aged 14 and over are legally responsible for wearing their own seat belt. The driver is responsible for anyone under age 14.

Most child seats will not fit well in the narrower seats found in minibuses, however, booster cushions will usually fit. You should use your judgement to determine whether a restraint can be securely and safely fitted

Many minibuses and coaches designed with the possibility of carrying children will have 'all age' adjustable seat belts fitted. These allow the top attachment point to be lowered to provide a better fit of the diagonal belt but will not adjust the lap belt.

Larger minibuses and coaches

Passengers must be notified of the requirement to wear a seat belt (by announcement or signs etc) but each passenger is responsible for wearing their seat belt.

In the front seats children aged up to 3 and those aged from 3 to 12, and under 1.35m tall, must use the appropriate child restraint. All other age groups must use the seat belt.

In the rear seats, only those passengers aged 14 and over are legally required to wear a seat belt (This is due to the difficulty of making a driver of such a vehicle responsible for the wearing of belts by passengers. It is a situation that may change in time). Clearly this is why one has to consider both seat belt law and duty of care, and Establishments are advised to make seat belt wearing compulsory for visit participants when seat belts are available.

Medical exemption

There is a limited number of exceptions to the general legal requirement to wear a seat belt. The only one of relevance here is exemption on medical grounds, which requires a doctor to provide a 'Certificate of Exemption from Compulsory Seat Belt Wearing'. Such certificates will also be accepted in EU member states.

Duty of care

Children under 1.35m tall using an adult seat belt are, in the event of an accident, at greater risk of injuries from the lap belt sitting too high across the stomach and from the diagonal belt cutting across the face or neck. Because of this it is good practice, even when the law allows the wearing of adult seat belts, to consider the height and age of children under 12 when allocating seats and when allocating what may be a limited number of available child restraints. It is also good practice to ensure that 'all-age' seat belts are correctly adjusted when they are fitted.

For the same reason it is good practice to ignore the legal differences between small and larger minibuses and for drivers and visit leaders to ensure that all passengers use the best available seat belt or child restraint.

Public transport

Buses designed for urban use with standing passengers are not required to have seat belts. Other types of buses and coaches, manufactured after 1st October 2001 must be fitted with three point seat belts or retractable lap belts.

Public transport in the UK has an excellent safety record and the lack of seat belts should **not** deter visit leaders from using public transport buses during visits when this may well be the most appropriate form of transport.

Overseas travel

EVCs and Visit Leaders must be aware that European standards on vehicle safety and use are not, as yet, representative of the world as a whole. In many countries transport will, of necessity, use vehicles in ways that would not be acceptable in the UK. Either young people must be deprived of the enormous benefits of travel or this risk must be understood and accepted. It is important that parents and participants are made aware in advance of the standards prevailing in any country to be visited.

Individual needs

When planning transport, consideration must be given to any special arrangements that may be needed. Examples include:

- transfer of wheelchair users between chair and vehicle or, where

- necessary, the mechanism for securing a chair in the vehicle.
- responsibility for ensuring participants with learning disabilities use seat belts correctly.
- very large or obese passengers may require seat belt extensions.

What is an appropriate child restraint?

The term 'Child restraint' is used to mean baby/child seats, booster seats and booster cushions. Restraints must meet one or other of the two United Nations Economic Commission for Europe (UN ECE) regulations as follows:

Weight-based seats

These are covered by regulation ECE R44.03 or later (e.g. 44.04). These seats, fitted using the vehicle seat belts, must be marked with a label showing a capital E in a circle with 'R44.03' or '.04' plus the group number or weight range for which it was designed. Many seats cover more than one group and are adjusted as the child grows, but the determining factor of which seat to use is the weight of the child.

From March 2017 regulations will not permit booster cushions (car seats without a backrest) to be marked as appropriate for use with children under 22kg or under 125cm tall. This change does not affect existing models of seats or booster cushions – only new models – and it does not make older seats illegal.

Height-based seats

Known as 'i-size' seats, these are covered by regulation R129. The seats connect to Isofix points in the car, which make it unnecessary to use the vehicle seat belt to secure the child restraint. Under this regulation children must travel rear-facing until they are 15 months old. Other than this age restriction it is the height of the child, not its weight, which determines the appropriateness of the seat. These seats must carry a label showing a capital E in a circle and 'R129'.

Further information may be found at:

<http://www.childcarseats.org.uk>

<http://think.direct.gov.uk/education/early-years-and-primary/>

