

INFORMATION REGARDING THE USE OF SEATBELTS IN MINI BUSES AND OTHER FORMS OF TRANSPORT

Consideration has to be given to the responsibility of ASA member clubs with regard to organised trips using mini buses and other transport. The ASA Legal Department has endeavoured to set out below a concise summary of the key issues.

The starting point was the Road Traffic Act 1988 section 15(3) & (4) where it is provided that it is a criminal offence for any person without reasonable excuse to drive a vehicle containing a child under the age of 14 years unless the child is wearing a seat belt conforming to appropriate regulations.

The above Act has been enhanced by various regulations primarily the Motor Vehicle (Wearing of Seat Belts by Children in Front Seats) Regulations 1993 (known as the "Principal Regulations") and culminating in the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) (Amendment) Regulations 2006. The regulations prescribe the types of seat belt or child restraints to be worn in the front seats of motor vehicles by children under 14 years of age. Different provision is made depending on whether a child is a "small child" i.e. under 12 years of age and less than 135cm or "large child" under 14 years of age but over 135cm. These regulations apply to all buses (including minibuses) and coaches having more than eight passenger seats all unladen weights.

Previous exemptions are also removed that allowed small children aged 3 or over to wear adult belts in cases where no appropriate child restraint is available (except for buses); and it also removed the exemption allowing unrestrained children in old vehicles.

As it is unlikely that swimming clubs will be transporting children under the age of 3 the driver's legal responsibilities are listed below for:

Children aged 3 and above, until they reach EITHER their 12th birthday OR 135cm in height.

In the front seat – the child **MUST** use the correct child restraint

In the rear seat- the child **MUST** use the correct restraint, where seat belts are fitted.

There are three exceptions where there is no child seat available. In each case the child **MUST** use the adult belt instead. They are:

- 1) in a licensed taxi or private hire vehicle;
- 2) if the child is travelling on a short distance of unexpected necessity;
- 3) if there are two occupied child restraints in the rear which prevent the fitment of a third.
- 4) where a disabled seat belt isn't available for a disabled child.

It is the legal responsibility to ensure that the child is correctly restrained.

Children over 135cm in height, or who are 12 or 13 years old.

In the front seat – the adult seat belt **MUST** be worn if available.

In the rear seat – the adult seat belt **MUST** be worn if available.

It is the legal responsibility to ensure that the child is correctly restrained.

Passengers over 14 years old

When travelling in the front seat or rear seat, an adult seat belt **MUST** be worn if available.

It is the legal responsibility to ensure that the child is correctly restrained.

Other vehicles (vans, buses, coaches, minibuses and goods vehicles)

Front seats - the law requires children (and adults) travelling in the front of all vehicles, including vans, buses, coaches, minibuses and goods vehicles to use an appropriate child restraint or adult seat belts.

Rear seats in small minibuses – passengers sitting in the rear of minibuses that have an unladen weight of 2,540kg or less must wear the seat belts that are provided. It is the driver's responsibility to ensure that:

- ❖ Children between 3 and 11 years of age, under 135cm tall use an appropriate child restraint if available, or if not available, wear the seat belt, if available.
- ❖ Children aged 12 and 13 years (and younger children who are 135cm or taller) use the seat belt, if available.

Passengers over the age of 14 years in smaller minibuses are legally responsible for wearing a seat belt themselves.

Rear seats in larger minibuses – passengers over the age of 14 MUST wear seat belts in the rear of larger minibuses (over 2,450kg unladen weight) if they are installed. However all passengers are strongly advised to wear seat belts or the correct child seat on all journeys.

Rear seats in coaches - passengers over the age of 14 years MUST wear seat belts in the rear of coaches. However all passengers are strongly advised to wear seat belts or the correct child seat on all journeys.

The law will be changing in May 2009 to prevent the carriage of more passengers than there are seat belts.

The regulations also require that operators of buses and coaches where seat belts are fitted must take reasonable steps to notify passengers of the need to use seat belts. They can do this by having a prominently displayed sign at each seat equipped with a seat belt and/or making an announcement or giving an audio/visual presentation when the passenger joins the bus.

In case you are wondering there is an exemption for local bus transport where standing is allowed as long as it is in a 'built up' area.

What should a club be looking for when selecting an appropriate coach firm that needs to be reliable and safe?

A competent and reliable coach company should have a readily available 'safety statement' regarding the operation of their vehicles. This statement will detail the availability of seatbelts. It is recommended that coaches without fitted seatbelts are not used for any form of organised trip. All suitable coaches should have emergency doors, other emergency contingencies like emergency hammers for windows and roof hatches, emergency buzzers, fire extinguishers, first aid kits and of course seat belts.

How should a club select an appropriate coach firm that is going to be reliable and safe?

Like all industry sectors the coach industry has its own institutions. **The Confederation of Passenger Transport (cpt)** is the recognised voice of coach travel. The government also operate a **Bonded Coach Holiday Scheme** so that members are considered to be safe and reliable deliverers, and finally there is a quality scheme called **Coach Marque**. These sort of indicators will usually suggest that the coach firm is reliable and safe and meet the required standards.

Should a club hire self-drive mini buses?

There is no reason why a club should not do this as long as they ensure that the driver is qualified to drive the vehicle and that the vehicle meets the seat belt regulation requirements.