

Who should wear seat belts in a minibus?

The simple answer is everyone, as it is good practice to do so and will protect them in an accident.

The law was updated in 2006. It says that every passenger in a minibus should wear a seat belt, where these are fitted. It also says:

- Passengers must be made aware of the need to wear seat belts - by a sign at each seating position or an announcement by the driver or other responsible person
- The driver will be held legally responsible if a child under 14 does not wear their seat belt.

We also recommend that minibus owners:

- Have a policy for seat belt wearing, including: 'No belt, no trip'
- Consider seat belt extensions for very large people, where the standard seat belt is too short
- When replacing a minibus, consider specifying 'all age' or 'generation' seat belts, where the upper mounting is adjustable for height. This makes the belts safer and more suitable for children and shorter adults.

If you regularly transport younger children by minibus, see also *Fact Sheet 7: Transporting children safely by minibus*.

Since 2001 all new minibuses have had to have seat belts fitted to every seat. The regulations introduced in September 2006 are about the wearing of seat belts. These implement an EU Directive that requires seat belts to be worn in minibuses and coaches.

Technically the regulations differ slightly according to the weight of the minibus. For simplicity, it is best to ignore this distinction. **Drivers have a duty of care to their passengers and should make sure that all their passengers are belted, especially children.**

Notifying the passengers

The regulations introduced a requirement for minibus operators to notify their passengers of the requirement to wear seat belts. This can be done in one or more of the following ways:

- An 'official announcement' by the driver or other responsible person such as a passenger assistant or group leader. The announcement needs to be made when the passenger joins the bus or soon afterwards
- An EU-approved pictogram (see below) displayed at each seating position
- By means of an audio-visual presentation. This is mainly relevant to full size touring coaches.

For most minibus operators, an announcement by the driver will be the most practical option. We recommend that signs should also be fitted, in case the driver forgets to make an announcement.



This pictogram can be used to remind passengers to belt up!

Fines

If a minibus operator fails to notify passengers of the need to wear seat belts they can be fined.

Drivers may encounter adults who refuse to wear a seat belt or remove their belt during the journey. These people will be breaking the law and liable to prosecution if caught. For children, the law says that it is the driver's responsibility to ensure that children wear their seat belts – so the driver will be fined if stopped by the police and a child is found not to be belted.

Seat belt offences are currently subject to a £100 'on the spot' penalty (rising to £500 if a case is taken to court). More importantly, an unrestrained passenger is a risk to themselves and other passengers on the minibus as, in an accident, they could fly forward and kill or seriously injure someone else. Seat belt wearing therefore needs to be enforced.

Exemptions

The regulations contain certain exemptions:

- Holders of Medical Exemption Certificates issued by their doctor or medical practitioner. These are usually issued where a person has a medical condition that could be worsened by wearing a seat belt.
- People who are registered disabled and who are unable to wear a standard seat belt can also be granted exemptions under the new legislation. We recommend that they obtain a Medical Exemption Certificate from their doctor.

Unrestrained passengers

If you need to transport an unrestrained passenger with a Medical Exemption Certificate, best practice suggests that they should not sit behind the driver or another passenger. They should also not sit alongside the driver because of the risk of flying through the windscreen but should sit at least one row back, with no-one sitting in the seats in front of them. This should provide them with some protection and reduce the risk to other people.

Seat belt policy

We recommend that minibus owners/users have a seat belt policy. This should cover such things as:

- 'No belt, no trip' - to make it clear to passengers that they must belt up
- Whether you will fit your minibuses with seat belt 'signs' - see pictogram on page at the top of this page.
- How you will make sure that drivers understand their responsibilities
- What to do if:
 - A passenger refuses to wear a belt or persistently removes it
 - You need to transport a passenger with a Medical Exemption Certificate who cannot wear a belt – you may decide that a risk assessment is needed
- Whether to provide seat belt exemptions for very large passengers – again, you may decide that a risk assessment is needed

The driver's responsibilities

A minibus driver should:

- Always wear their own seat belt
- Ensure that passengers know they are legally required to wear seat belts. *Generally this means making an announcement at the beginning of the journey or, where people are boarding at different points, the driver needs to tell each passenger as they board the minibus.*
- Enforce any policies their organisation has in place such as 'No belt, no trip'
- Report any problems or concerns to their manager or supervisor, such as:
 - a passenger refuses to wear a seat belt
 - a passenger keeps removing their belt
 - someone says they have a Medical Exemption Certificate which means they don't have to wear a belt
 - the belt isn't long enough (very large passengers)
 - the belt doesn't fit correctly (for example it cuts across the neck of children or very short adults).

This list includes the driver's duties under the seat belt regulations, good practice and the driver's health and safety responsibilities to report anything that may be a danger to people's health or safety.

Frequently Asked Questions

Q. Some very large passengers do not fit in a standard seat belt. How can I transport them safely?

A. One possible solution is seat belt extensions. Most seat belt manufacturers sell these. Check the seat belts in your minibus and obtain extensions from the same manufacturer. Although seat belt extensions are not an ideal solution (they alter the position of the diagonal belt across the chest) they are preferable to the passenger travelling without using a belt. Your organisation may wish to undertake a risk assessment to decide the safest way for larger passengers to travel.

Q. When transporting children under 12 and under 1.35m (4'5"), do I have to use child seats and booster cushions?

A. The regulations introduced in September 2006 for cars and light vans do not apply in the same way to minibuses. For minibuses, the law states that younger children must wear an *appropriate* child restraint *if available* – baby seat, child seat, booster seat or booster cushion. In correspondence the Department for Transport, recognising the practical difficulties in fitting child seats in minibuses, has said that ‘appropriate’ means that the restraint is appropriate for the minibus as well as appropriate for the age and weight of the child.

In other words, if a child seat, booster cushion etc is available on the bus, it **must** be used if:

- It fits the minibus seat safely and securely
- It is suitable for the child = appropriate for their weight and height.

It does not mean that child restraints have to be provided for every child. For further information see Fact Sheet 7: *Transporting children safely by minibus*.

Q. We transport adults with learning disabilities. Whose legal responsibility is it to make sure they wear their seat belts?

A. The law says that adult passengers are responsible. But if you are transporting vulnerable adults, the driver (and passenger assistant) should make sure that these passengers wear their seat belts, as they both have a duty of care to their passengers.

For further information please contact:

community.transport@hants.gov.uk

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