

Subject:

GUIDANCE ON THE OPERATION OF THE CHILD CAR RESTRAINTS REGULATIONS IN RELATION TO SCHOOL ACTIVITIES

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Target Audience:

- Education and Library Boards;
- Council for Catholic Maintained Schools;
- Northern Ireland Council for Integrated Education;
- Comhairle na Gaelscolaíochta;
- Boards of Governors and Principals of all grant-aided schools.

Summary of Contents:

This Circular provides guidance on the operation of the Child Car Restraint Regulations in relation to the transportation of pupils to and from school activities.

Enquiries:

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Governor Awareness:
Essential

Status of Contents:
Guidance

Related Documents:
Not Applicable

Superseded Documents:
None

Expiry Date:
Not Applicable

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1. Purpose of this Circular

From 27th February 2007 the Department of the Environment (DoE) will be implementing new seatbelt regulations in Northern Ireland. The purpose of this Circular is to provide detailed guidance to Education Bodies and Schools which may be responsible for transporting children, to ensure that they are aware of their statutory obligations under the new Regulations.

2. Travel by Car (excluding taxis)

While this is not an issue for the Education and Library Boards, it is likely that schools may use teacher/parents cars to transport small numbers of pupils to and from school activities. Under the new regulations:

- An unrestrained child is not permitted in the front seat of any vehicle;
- Children aged 3 to 11 (inclusive) and under 135cms (4ft 5ins) are required to use an appropriate child seat, booster seat or booster cushion when travelling in cars fitted with seatbelts;
- A child may use an adult belt when they reach a height of 135cm or the age of 12;
- The driver of the car is responsible if a child under 14 years does not wear a seatbelt or child restraint. Once the age of 14 is attained, the individual passenger is responsible.

However, to take account of emergencies or unusual circumstances the following exemptions apply:

- On occasional journeys (eg unforeseen emergencies) over short distances where no appropriate child restraint is available, children over 3 may travel in the back seat of the vehicle using a seatbelt; and
- Where two occupied child seats or boosters in the back of a vehicle prevent a third being fitted, and no appropriate seatbelt is available in the

front of the vehicle, a child aged 3 or over may travel using an adult belt in the back seat of the vehicle.

3. Travel by Taxi

For the purposes of the new regulations, a taxi is a vehicle with up to and including eight passenger seats, that is licensed for public or private hire.

A child over the age of 3 must wear an adult seatbelt and sit in the back of the taxi, if an appropriate booster or child seat is not available.

There is no obligation on the taxi provider to supply child restraints.

4. Travel by Minibus

All passengers, excluding those under the age of 3, have been required to wear seatbelts, where fitted, for a number of years. Under the new and existing arrangements:

- If a child restraint is available, it must be worn by all passengers travelling in the rear seats who are under the height of 135cm or the age of 12. However, there is no legislative obligation on the minibus operator to provide a child restraint. Therefore, if no child restraint is available children over the age of 3 should use the adult seatbelt fitted.
- For children under 135cm or the age of 12 travelling in the front seats of a minibus they must use an appropriate child seat, booster seat or booster cushion. This is due to the fact that the seatbelts fitted in the front of minibuses differ from the rest of the vehicle and are similar to those fitted in cars.
- A child may use an adult belt when they reach a height of 135cm or the age of 12;

5. Travel by Bus

Passengers aged 14 and over are required to wear seatbelts on buses and coaches (where fitted). Failure to do so may result in a fine for which the individual passenger – not the operator – is responsible.

Before introducing requirements for children age 3 to 13 to wear seatbelts on buses, the Department of the Environment intends to consult soon on who should take responsibility for ensuring that this age group wear seatbelts.

6. Informing Passengers

The new Motor Vehicles regulations require that operators must inform all passengers of the need to use seatbelts, using one or more of the following methods:

- (a) an official announcement, or an audio-visual presentation, made when the passenger joins the bus or within a reasonable time of their doing so;
- (b) a sign prominently displayed at each passenger seat equipped with a seatbelt.

For the purposes of the Regulations, an “official announcement” means an announcement by the driver of the bus, by a conductor or courier or by a person who is a group leader in relation to any group of persons who are passengers on the bus. It will be a matter for the operator to determine the appropriate announcement method. Both methods of notification will be necessary in respect of persons who are either visually impaired or are unlikely to understand the meaning of the sign.

The sign that can be displayed takes the form of a pictorial symbol and must be in the form shown below:



7. Regulations

The relevant regulations made by the DoE are:

- The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations (Northern Ireland) 2007;
- The Motor Vehicles (Wearing of Seat Belts) (Amendment No. 2) Regulations (Northern Ireland) 2007; and
- The Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) (Amendment) Regulations (Northern Ireland) 2007.

These can be downloaded from the website of the Office of Public Sector Information at: www.opsi.gov.uk/sr/sr200700.htm

Handwritten signature of B. Hill

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