

NORTH LANARKSHIRE COUNCIL

REPORT

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| To: Education (Resources) Sub-Committee | | Subject : Seatbelts / Child restraints – New Legislation |
| From: Director of Education | | |
| Date: 03/10/06 | Ref: MM/SAL/RA | |

Purpose of the report

The purpose of the report is to outline the changes to the regulations covering seatbelts and child restraints on taxis, minibuses, buses and coaches which came into effect on 18 September 2006 .

Recommendations

The Education (Resources) Sub-Committee is recommended to:

- (i) note the changes in legislation affecting the use of child restraints in vehicles transporting pupils on mainstream and additional support needs contracts.

Christine Fallock

Members wishing further information about this paper should contact:

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NORTH LANARKSHIRE COUNCIL : DEPARTMENT OF EDUCATION

Seatbelts / Child Restraints – New Legislation

Report by the Director of Education

1 Background

On 18 September 2006 the Motor Vehicles (Wearing of Seatbelts) (Amendment) Regulations 2006 came into effect. These regulations cover the use of appropriate child restraints which cover car seats, booster seats and booster cushions. These regulations affect pupils between the ages of 3 and 13 and who are under 1.5 metres in height. Pupils 14 years and over are deemed to be adults and there has been no change in legislation.

2 Current Position

(a) ASN Transport

Conditions of Contract which apply to contractors providing transport for mainstream and ASN pupils states that the seats on all minibus vehicles with a passenger carrying capacity of 16 seats or less shall be fitted with fully functional lap and diagonal seatbelts. All taxis/motor cars used on such contracts shall be fitted with seat belts for the use by each pupil carried, where special restraints have not been specified.

(b) Mainstream Transport

There is no legislation or policy at present which dictates seatbelts must be fitted on buses or coaches providing transport to pupils attending mainstream schools. At present 58% of these contracts have seatbelts fitted.

3 New Legislation

This became effective on 18 September 2006 and a summary of the new legislation is detailed below.

CARS

| | Front seat | Rear seat |
|----------------------------|---|---|
| Driver | Seat belt must be worn if fitted | |
| Child up to 3 years | Correct child restraint must be used | Correct child restraint must be used. If one is not available in a taxi, may travel unrestrained |

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| <p>Child from 3rd birthday up to 135cms in height(approx 4'5")(or 12th birthday whichever they reach first)</p> | <p>Correct child restraint must be used.</p> | <p>Where seat belt fitted, correct child restraint must be used. Must use adult belt if the correct child restraint is not available:</p> <ul style="list-style-type: none"> - in a licensed taxi/private hire vehicle; or - for a short distance for reason of unexpected necessity; or - two occupied child restraints prevent fitment of a third. <p>A child 3 and over may travel unrestrained in the rear seat of a vehicle if seat belts are not available.</p> |
| <p>Child over 135cms(approx 4'5" in height) or 12 or 13 years</p> | <p>Seat belt must be worn if available</p> | <p>Seat belt must be worn if available</p> |
| <p>Adult passengers (14 years and over)</p> | <p>Seat belt must be worn if available</p> | <p>Seat belt must be worn if available</p> |

MINI-BUSES, BUSES AND COACHES

Seated passengers aged 14 years and above will have to use seat belts where these are fitted. Vehicle operators must notify passengers of the need to use seat belts.

4. Proposed Changes

This department has advised all operators providing transport that the legislation shall apply to all contracts operated by them and Conditions of Contract shall be amended to incorporate the new legislation. Operators have been offered the opportunity to clarify any aspect of the legislation affecting them with this department.

5 Recommendations

The Education (Resources) Sub-Committee is recommended to:

- (i) note the changes in legislation affecting the use of child restraints in vehicles transporting pupils on mainstream and additional support needs contracts.