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Caroline Perry

Seat belts on home-to-school transport

Summary

Legislation

The Motor Vehicles (Wearing of Seat Belts) (Amendment No. 2) Regulations (Northern Ireland) 2007 require that:¹

- Children aged from three to 12 years (or measuring 4ft 5ins – whichever they reach first) must wear a child restraint where seat belts are fitted – however there is no obligation for taxi drivers or minibus operators to provide child restraints;
- Children aged 12-13 or over 4ft 5 inches must wear a seat belt if fitted;
- Adult passengers must wear a seat belt if fitted (their own responsibility).

Policy

The Education and Library Boards (ELBs) adopted the four main recommendations from the Assembly Environment Committee's inquiry into school transport in 2001. These included the fitting of seat belts on all buses used primarily for home-to-school

¹ Departmental Circulars 1996/41 and 2007/07 also provide guidance on home-to-school transport.

transport; 'no standing'; the abolition of 'three for two'; and the introduction of improved bus signage and lighting.

Implementation

This policy position applies to all designated (pupil only) buses and taxis provided by ELBs or contracted by ELBs. All Board contracts (Translink and private hire) stipulate that each pupil on designated services must have access to a seat with a seat belt, and that there should be no standing passengers. However, the policy does not apply in the following cases:

- Translink stage-carriage services (as they are not pupil-only); and
- Pupils not eligible for transport assistance.

The ELBs carry out a programme of random and targeted checks which aim to ensure that each operator is checked for compliance with the policy annually. Random checks are also carried out based on information from parents, principals and the public where concerns are raised. Witnesses to the Education Committee have noted that 18 checks are carried out each week across the five ELBs.

Unmet recommendation from the Environment Committee inquiry

The 2001 inquiry from the Environment Committee recommended that ELBs should gradually require the provision of seat belts on services including stage-carriages used primarily for home-to-school transport.

However, Translink has stated that it would not be possible to provide seat belts and ensure that pupils use them ahead of other passengers. In addition, the Department notes that ELBs do not have authority over Translink in this area. Plans for Translink to make a phased move to fully seat belted buses have not progressed significantly.

1 Legislation

The Department of the Environment brought in new regulations on the wearing of seat belts which became effective from 27th February 2007. The change was brought about by EU Directive 2003/20/EC which requires member states to introduce legislation on the wearing of seat belts.²

The Motor Vehicles (Wearing of Seat Belts) (Amendment No. 2) Regulations (Northern Ireland) 2007³ include the following requirements:⁴

² Department of the Environment *New Seat Belt Regulations* [online] Available at: <http://www.doeni.gov.uk/roadsafety/index/cars/newseatbeltregulations.htm>

³ Legislation.gov.uk *The Motor Vehicles (Wearing of Seat Belts) (Amendment No. 2) Regulations Northern Ireland 2007* [online] Available at: <http://www.legislation.gov.uk/nisr/2007/8/contents/made> and Legislation.gov.uk *The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2008 (Northern Ireland) 2007*

⁴ Department of the Environment *New Seat Belt Regulations* [online] Available at: <http://www.doeni.gov.uk/roadsafety/index/cars/newseatbeltregulations.htm>

- A seat belt must be worn in cars and goods vehicles where one is fitted;
- Child restraints rather than adult seat belts to be worn in cars and goods vehicles by children up to age 12 or 135cms in height;
- In buses and coaches with seat belts fitted, passengers aged 14 and over must wear them; and
- Passengers on vehicles used as a local service on routes consisting of restricted roads or where provision has been made for standing passengers and the operator permits standing, are exempt.

The following table summarises the legislation.⁵

Table 1: Legislation on the wearing of seat belts

	Front seat	Rear seat	Responsibility
Child under 3	Correct child restraint must be used	<ul style="list-style-type: none"> • Correct child restraint must be used • If one is not available in a taxi, may travel unrestrained 	Driver
Child from 3 rd Birthday to 135cms (4ft 5ins) or 12 th Birthday, whichever they reach first	Correct child restraint must be used	<ul style="list-style-type: none"> • Correct child restraint must be used where seat belts fitted • Must use adult belt in rear seat if correct child restraint not available: <ul style="list-style-type: none"> • In a taxi; or • For a short distance in an unexpected necessity; or • If two occupied child restraints prevent fitting of a third 	Driver
Child 12 or 13, or over 135cms	Adult seat belt (or child restraint) must be worn if fitted	Adult seat belt (or child restraint) must be worn if fitted	Driver
Adult passenger	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

⁵ Department of the Environment *New Seat Belt Regulations* [online] Available at: <http://www.doeni.gov.uk/roadsafety/index/cars/newseatbeltregulations.htm>

It is important to note that with regard to home-to-school transport:⁶

- There is no obligation for a taxi provider to supply child restraints;
- There is no legislative requirement for a minibus operator to provide a child restraint.

The regulations also place a duty on operators to inform passengers of the need to use seat belts, either by an official announcement or by a sign displayed at each passenger seat equipped with a seat belt.⁷

2 Policy

In light of the new legislation described previously, the Department of Education (in conjunction with the Department of the Environment) released Circular 2007/07 (27th February 2007) to provide guidance to bodies and schools on operation of seat belts.

Departmental Circular 1996/41 details the Department's policy position on pupils who are eligible for assistance and travel on Board buses or Board-contracted services.⁸ The Circular states that pupils eligible for transport assistance 'should be able to travel in safety and reasonable comfort'. The key requirements include:⁹

- Boards should ensure that the number of pupils being carried on their vehicles does not exceed the maximum laid down in the Public Service Vehicles Regulations;
- Where Board vehicles are fitted with seat belts Boards should bring this to the attention of pupils.

In addition, the Department states that Boards have adopted the four main recommendations from the inquiry of the Assembly Environment Committee in 2001 on the safety of school transport.¹⁰ These were (for eligible pupils only):¹¹

- **The fitting of seat belts** on all buses used primarily for home-to-school transport;
- **The introduction of 'no standing' for all children entitled to transport;**
- **The abolition of the provision that allows three children under the age of 14 to share two seats;**
- **The introduction of improved school bus signage and lighting.**

⁶ Department of Education (2007) Circular Number 2007/07 *Guidance on the operation of the child car restraints regulations in relation to school activities* Bangor: Department of Education

⁷ As above

⁸ Information provided by the Department of Education, November 2012

⁹ Department of Education (2009) *Circular NO 1996/41: School Transport* Bangor: Department of Education (updated in 2009)

¹⁰ Information provided by the Department of Education, November 2012

¹¹ Department of the Environment *School Bus Transport - NI Assembly Inquiry* [online] Available at: http://www.doeni.gov.uk/roadsafety/index/buses/buses-school_buses/buses-school_buses-niinquiry.htm

Application

The above position applies to designated (pupil only) school buses provided or contracted by ELBs. It does not apply to Translink stage-carriage vehicles on which eligible pupils may use a sessional ticket (bus pass), as stage-carriage vehicles are not pupil-only services.¹²

Pupils not eligible for transport assistance are not included within the Department's policy position – the Department states that it has no responsibility or authority over how these pupils travel to school.¹³

Eligibility for home-to-school transport assistance

Children are eligible for transport assistance if they are enrolled at a school beyond a certain qualifying distance from their home (two miles for primary pupils and three miles for post-primary pupils) and were not successful in seeking a place at a closer suitable school.¹

Implementation of policy

The Department states that all Board contracts (Translink and private hire) stipulate that each pupil on designated services must have access to a seat with a seat belt. Each contract also requires that there are no standing passengers (exceptions are outlined above).¹⁴

In evidence to the Education Committee on 1st February 2012 officials stated that the ELBs carry out a programme of random and targeted checks of vehicle providers. These aim to ensure that each operator is checked at least once annually, with random checks also undertaken based on information from the public, parents or principals who have concerns. They noted that failure to meet the safety requirements of a contract can lead to its termination.¹⁵

Other witnesses to the Committee noted that 18 checks are carried out each week across the five Education and Library Boards, and questioned the adequacy of this approach.¹⁶

Transport arranged by schools

Circular 2007/07 gives schools guidance on the arrangement of travel for pupils (for example, on school trips). However, schools are ultimately responsible for complying with the legislation.¹⁷

¹² Information provided by the Department of Education, November 2012

¹³ As above

¹⁴ Information provided by the Department of Education, December 2012

¹⁵ Northern Ireland Assembly Official Report Wednesday 1st February 2012 *Committee for Education School Transport Health and Safety Issues* [online] Available at: <http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2011-2012/February-2012/School-Transport-Health-and-Safety-Issues/>

¹⁶ As above

Unmet recommendation of the Environment Committee

With regard to the fitting of seat belts, the Environment Committee's inquiry recommended that the ELBs should gradually require the provision of seat belts for all schoolchildren on contract services, Translink scheduled stage carriages used primarily for home-to-school transport and on their own buses.¹⁸

However, the Department notes that Translink has stated that it would not be possible to both provide seat belts on all public-stage-carriage services *and* ensure that pupils can avail of them ahead of other passengers. The Department states that Boards do not have authority over Translink in this domain and cannot do more than make a request.¹⁹

It further states that it was intended that Translink move to fully seat belted buses through natural wastage (i.e. redundant buses would be replaced with seat belted buses). The Department states that Translink has not made significant progress in this regard.²⁰

¹⁷ Information provided by the Department of Education, November 2012

¹⁸ As above

¹⁹ Information provided by the Department of Education, December 2012

²⁰ As above