



Seat Belt Wearing

OP8.2

This CPT briefing sheet has been written to advise members of the legal requirements as to wearing of safety belts in the UK, and to give guidance wherever possible. The Department for Transport's fundamental belief is that passengers are less likely to be seriously injured in a collision when wearing any kind of safety belt rather than no belt at all. It is therefore now the law that everyone travelling in any kind of vehicle must wear belts wherever they are fitted.

The DfT has issued The Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006 (SI 2006:1892), and The Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) (Amendment) Regulations 2006 (SI 2006:2213) to adopt EU directive 2003/20/EC into national law. The following requirements regarding buses and coaches (i.e. vehicles with more than 8 passenger seats in addition to the driver) are mandatory from 18 September 2006:-

- Passengers must wear the safety belt if their seat is equipped with one (legally termed "available"). They will only need to wear the belt while they are actually seated and the vehicle is in motion. This allows passengers to move around within the coach, for example to visit the toilet
- The driver and any crew member (e.g. guide) must wear the belt if their seat is equipped with one
- The operator is required to take all reasonable steps to ensure that every passenger is notified that it is a legal requirement to wear an available seat belt. The operator may use any one or more of the four options permitted by the directive to fulfill this legal obligation:-
 - 1) the driver could make an announcement
 - 2) the conductor, courier or group leader could make an announcement
 - 3) an audio or video presentation could be used (e.g. tape or TV). The announcement or presentation must be made when the passenger boards the vehicle or within a reasonable (unspecified) time period of boarding.
 - 4) a sign prominently displayed at each passenger seat equipped with a belt. The sign must be either text or the specified pictogram (white figure wearing a 3 point belt against a blue background). The DfT has indicated flexibility regarding the provision of signs, and will accept one sign per double seat fitted to the window, luggage rack or woven into the seat material. The size of the sign is not specified, but CPT suggests at least 60mm diameter.
- There will be a fine of up to £2500 where an operator fails to provide the necessary notification
- The regulations do not at this time require children less than 14 years of age to wear a belt in a bus or coach. The general rule is that it is the driver's duty to ensure that child passengers less than 14 years old wear seat belts, but the DfT recognises the practical difficulties for bus and coach drivers. The DfT will therefore carry out another consultation to seek a practical solution to this concern
- All passengers are exempt from wearing seat belts where a bus or coach is certified to carry standing passengers, or where it is used to operate a local service AND the entire route is on "restricted roads" in a built-up area. This exemption applies to both adults and children. The operator is also exempt from any need to notify passengers.

Points to note

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1. There is nothing in these “wearing” regulations to change the existing requirements for fitting belts (e.g. to more seats, or out-of-scope vehicles - buses). The wearing requirement therefore can only apply where belts are already fitted
2. The information in this briefing sheet is specific to buses and coaches (i.e. any vehicle with more than 8 passenger seats). Some operators may use cars under their O licence. There are additional requirements, so members should refer to the DfT website for an information leaflet called “Law”
3. The regulations do not ban the carriage of standing passengers provided the bus or coach is officially approved for this by its Certificate of Initial Fitness. This approval must be identified by the carrying capacity displayed on the vehicle
4. All passengers aged 14 and over are always legally responsible for putting on and wearing their own belts
5. The same rules apply to all seats on the upper deck of a double deck bus or coach. The regulations clearly specify that any deck above the driver’s head (when he is in the normal driving position) is part of the rear of the vehicle. Rear is defined as any part of the vehicle to the rear of a transverse vertical plane through the rearmost part of the driver’s seat
6. Some buses and coaches have passenger seats alongside the driver. These are deemed front seats. It is an offence to drive the vehicle unless children are properly restrained in the front of any vehicle. Children under 3 years must be in an appropriate child seat or restraint. Children aged 3 or more must be belted in, but could use an adult belt if an appropriate restraint were not available. Alternatively the children could move to a rear seat (see bullet point 5 above)
7. Originally the driver committed an offence if he drove a car or small minibuses (unladen weight less than 2540kg) without ensuring children less than 14 years old were belted in. However the definition of small bus has changed from an unladen weight of 2540kg to a gross weight not exceeding 3.5t. This may slightly change the driver’s responsibility to ensure that children wear their belts, however there may be further changes following a consultation about extending this requirement to larger vehicles
8. The UK concession that young children up to 5 years old can sit on a parent’s lap in a PSV, and not count as a passenger is still allowed. If the seat belt is worn in these circumstances, only the parent should wear the belt (i.e. do not include the child inside the belt, it will be crushed). Special loop belts can be obtained from manufacturers
9. Where a minibus or coach is used wholly or mainly for the carriage of children (probably where the journey would not happen if the children were not present), each child aged 3 or more must have its own forward-facing seat fitted with a belt. This legal requirement overrides the general concession above
10. The regulations apply equally to a crew member, such that a hostess or guide would be under the same obligation to wear their belt. However they only need to wear the belt whilst seated, and may be able to perform their duties. In these circumstances, CPT recommends that employers should conduct a risk assessment to ensure that the risk of injury to employees has been reduced to the minimum level possible. HSE might decide to prosecute under health and safety law
11. The requirement to wear belts and notify passengers is an EU wide obligation. The authorities of other Member States will enforce similar requirements
12. These regulations also introduce requirements regarding the use of child restraints, booster cushions and child seats in passenger cars, vans and other goods vehicles. These requirements do not apply to vehicles with more than 8 passenger seats (i.e. minibuses, buses and coaches). See DfT leaflet

Version: 1
Last Modified: September 2006

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