



Buses: seat belts

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This note describes the law covering the fitting and wearing of seat belts in coaches and buses, this includes vehicles of that type used to transport children.

All new coaches, minibuses and buses (except 'urban buses') have had to be fitted with seat belts since 1 October 2001; there was a previous requirement to fit seat belts to all new coaches and to all minibuses *whenever they were used specifically for the transport of children under 16* from February 1997.

New regulations which came into force in September 2006 as a result of an EU Directive changed the rules for buses and coaches by requiring that seat belts or child restraints must be used by seated occupants aged three years and above in all moving buses and coaches where they are available. It also requires passengers to be informed that seat belt wearing is mandatory.

The law on the wearing of seat belts in cars and taxis is outlined in HC Library standard note [SN/BT/43](#); information about other bus-related matters can be found on the [Buses Topical Page](#) of the Parliament website.

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1 Fitting of seat belts

Regulations 46 to 48A of the *Road Vehicles (Construction and Use) Regulations 1986* (SI 1986/1078), as amended, contain the law regarding the fitting of seat belts in all vehicles.

The *Road Vehicles (Construction and Use) (Amendment) (No.2) Regulations 1996* ([SI 1996/163](#)) amended the 1986 Regulations and introduced the new section 48A.¹ This prohibits the use of a coach or a minibus for the purpose of carrying a group of three or more children in connection with an organised trip unless at least as many forward-facing passenger seats as there are children are fitted with seat belts. A disabled child in a wheelchair is disregarded for this purpose. For the purposes of the regulation a "child" is a person who is aged 3 years or more but is under the age of 16 years. This came into force on 10 February 1997 except for older coaches registered before 1 October 1988 which had until 10 February 1998 to comply.

These rules were superseded by the *Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2001* ([SI 2001/1043](#)) that took effect from 1 October 2001 following the implementation of EU Directives [96/36/EC](#), [96/38/EC](#) and [2000/3/EC](#). These require seat belts to be fitted to all new coaches, minibuses and buses except 'urban buses'.

The legislation therefore ensures that belts are fitted in coaches and minibuses used specifically by children, including for home-to-school transport. The requirement is for a minimum of a lap belt to be fitted but this does not preclude three-point belts if it is so desired. 'Buses' and 'scheduled services' are excluded from this – this essentially refers to the traditional bus used to provide commercial services to fare paying passengers and would include 'buses' even when used on a school trip.²

Seat belts have been included as part of the MOT test since February 1998 and VOSA includes their condition in its annual checks.³

2 Wearing of seat belts

The compulsory wearing of seat belts was, until recently, limited to requiring belts to be used in rear, as well as front seats of smaller minibuses; and requiring belts to be worn in the driving and specified passenger seats of minibuses and coaches.⁴ That has now changed. The law now is that all adults and children aged 14 and over must wear available front and rear seat belts to all categories of vehicles, including for the first time the rear seats of buses. Bus operators are required to ensure that passengers are made aware of the requirement to wear a seat belt by means of an announcement, an audio-visual presentation or signing.

In September 2004 the Labour Government consulted on amending the relevant regulations to require passengers aged three years and above in the rear of buses and coaches to use seat belts and child restraints when seated, where provided in a vehicle.⁵ This followed the passing of EU Directive [2003/20/EC](#), which stated that all occupants aged three and over of M2 and M3 vehicles in use should use the safety systems provided while they are seated

¹ discussed in: DL Committee Deb 2 April 1996

² a 'bus' is defined in the 1986 Regulations as a vehicle with more than 16 passenger seats but incapable of exceeding 60 mph; scheduled services are defined in Regulation 3 of the *Bus service operators' grant (England) regulations 2002* ([SI 2002/1015](#)), as amended

³ [HC Deb 26 February 1997, c270W](#); but this does not include removable child restraints, see: [HC Deb 26 November 1999, c209W](#)

⁴ *Motor Vehicles (Wearing of Seat Belts) Regulations 1993* ([SI 1993/176](#))

⁵ DfT, [Consultation on seat belt wearing in buses and coaches](#), 21 September 2004

and that passengers should be informed of the requirement to wear safety belts whenever they are seated and the vehicle is in motion.⁶

The Directive also permitted Member States, with the Commission's agreement, to grant certain, time-limited exemptions which would expire in May 2008. These included:

- to take account of the specific conditions of use of M2 and M3 vehicles for local transport in urban and built up areas, or in which standing is allowed; and
- for local transport operations, particularly school buses, a greater number of seated children may be transported in M2 and M3 vehicles than there are seats available fitted with safety belts.

The Department for Transport proposed to apply these exemptions in the following way:

In Great Britain, vehicles used for local transport in urban and built-up areas, or in which standing is allowed, are not normally fitted with seat belts so we see no need to adopt the first of these exemptions. We consider it would be confusing and provide a potential loophole if there were certain occasions when a seat belt did not have to be worn if one was available. The second exemption relates to what is known as the "3 for 2" concession which allows 3 children to use 2 seats on buses. This concession does not apply in Great Britain in vehicles where seat belts are available and we have no plans to apply it. However, we would be pleased to have your views on whether any exemptions should be permitted and, if so, how they should be framed.

The Directive requires passengers in M2 and M3 vehicles to be informed that seat belt wearing is compulsory. A number of methods are permitted and we propose that the operators of coaches over 3.5 tonnes laden weight which are fitted with seat belts must prominently display signs at every seat to inform passengers that seat belt wearing is compulsory. A pictogram is to be used for this purpose (a copy of the specified design is attached at the end of this document). We believe this is likely to be the most cost-effective way to ensure that passengers are always informed of the compulsory seat belt wearing requirement. There will be no need to inform passengers in vehicles where seat belts are not fitted. For minibuses we propose that it would be satisfactory for the driver to make an announcement at the start of a journey.⁷

The changes were implemented by the *Motor Vehicles (Wearing of Seat Belts) (Amendment) Regulations 2006* (SI 2006/1892), which came into force on 18 September 2006.

There is a maximum available penalty of £500 for the following offences: a person aged 14 or over who does not wear a seatbelt; driving with a child in front not wearing a seatbelt; driving with a child in rear not wearing a seatbelt or child restraint; and driving with a small child in rear without seat belt fitted in rear when suitable belt available in front.⁸

Section 51 and Schedule III to the *Road Traffic Offenders' Act 1988*, as amended, provides for certain offences to be subject to a fixed penalty. The offences listed above are all now

⁶ M2 vehicles are: "vehicles used for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum weight not exceeding 5 metric tons"; M3 vehicles are: "vehicles used for the carriage of passengers, comprising more than eight seats in addition to the driver's seat, and having a maximum weight exceeding 5 metric tons" (see: Annex II of Directive [70/156/EEC](#))

⁷ op cit., *Consultation on seat belt wearing in buses and coaches*, paras 7-8

⁸ Sections 14 and 15 of the *Road Traffic Act 1988*

subject to a fixed penalty under that Act. The fine is currently £60 – increased from £30 in June 2009.⁹

3 The ‘three for two’ rule

Under regulation 5(1) of the *Public Service Vehicles (Carrying Capacity) Regulations 1984* (SI 1984/1406) (as amended) seating capacity is on the basis of one person per seat, with two exceptions relating to children under five and three children under 14 sharing two seats:

(1) Save as provided in paragraph (2), no person shall drive, or cause or permit to be driven, on a road a vehicle if the number of seated passengers exceeds the number of seats available for passengers.

[(2) For the purposes of paragraph (1)—

(a) a child under 5 years of age who is not occupying a seat does not count as a passenger; and

(b) subject to sub-paragraph (a) above, three seated children each of whom is under 14 years of age and none of whom are occupying a seat provided with a seat belt shall count as two passengers.

The second exception, the ‘three for two rule’ has only applied to buses **without** seat belts since May 1996.¹⁰

4 Legislative background

Following a spate of accidents involving children and school buses, the previous Conservative Government was pressed to introduce compulsory seat belts in coaches. The Department of Transport reviewed the full technical and cost implications of fitting seat belts to all seats in all minibuses and coaches and the possibility of making seat belts compulsory in new coaches. It published its report on 19 July 1994 and the then Secretary of State for Transport, John MacGregor, announced he would introduce regulations to ensure coaches and minibuses were fitted with seat belts when they were specifically used for the transport of children:

The government have now completed their analysis of the case for compulsory fitment of seat belts on minibuses and coaches and are today publishing the report of their review. A copy is being placed in the library of the House. This demonstrates the strength of the case for compulsory fitment as a standard for European manufacturers.

I am formally requesting the European Commission to set the shortest possible timetable to require seat belts on all new minibuses and coaches. This reinforces my call for action at the Transport Council in Luxembourg in June.

I have also decided to seek the Commission's agreement for the United Kingdom Government to act ahead of the European Union to ensure that all minibuses and coaches are fitted with belts when specifically used for the transport of children. We will consult widely on how best to implement such a provision in practice once we have the Commission's agreement.

⁹ Home Office press notice, “[New penalties for failure to wear seatbelts and using illegal number plates](#)”, 29 June 2009; following a [consultation](#) launched in September 2008

¹⁰ Regulation 2 of the *Public Service Vehicles (Carrying Capacity) (Amendment) Regulations 1996* (SI 1996/167)

I shall also be amending the *Public Service Vehicle (Carrying Capacity) Regulations* to ensure that, where belts are fitted, three children can no longer share a double seat.

Meanwhile we will be encouraging manufacturers to fit belts in response to customer demand. Virtually all new minibuses now coming off the production lines have seat belts fitted.¹¹

The conclusions of the Department's report stated:

Public expectations of government action on minibus and coach seat belts in the light of recent accidents are high. Having previously failed to secure the support of member states for action in this field, the European Commission have now come out in firm support of compulsory fitment of two-point (lap) belts on new minibuses and coaches and have set out a strategy for improving minibus and coach safety in general. This is likely to gather momentum.

The technical evidence is clear that the fitment of seat belts in minibuses and coaches brings significant overall casualty reduction benefits. Moreover, cost-benefit analysis on the basis of action at European level indicates a positive cost-benefit ratio. Given the central role of the European Union in setting construction standards for new vehicles in the context of the single market, it seems to us that action at the European level should be the longer-term objective.

The scope for national action is limited, in particular, by the fact that we would have to permit vehicles complying with EC rules (with belts on exposed seats only) to be registered, hence making a requirement effectively unenforceable. An approach based on compulsory retro-fitting in addition to compulsory fitment for new vehicles would bring further technical difficulties, since some older vehicles cannot be feasibly retro-fitted. Moreover, the benefits would be unlikely to outweigh the costs.

There may, however, be more scope for requiring the use of vehicles with belts fitted to all seats for certain types of vehicle use. It would not be sensible to limit this to school transport, narrowly defined. Nor is there a strong case for other action related directly to the vehicles used for statutory school transport such as abolition of the "3 for 2" concession in the *Public Service Vehicles (Carrying Capacity) Regulations* - although it would be unreasonable to expect these children to share a double seat where seat belts were fitted.

In view of the sensitivity and importance of child safety, however, there may be benefits in seeking to secure that only vehicles fitted with belts are used where children are being carried, not only to and from school, but also on school and other outings. This might reasonably be explored with the European Commission.¹²

The intention was to legislate to ensure belts were fitted and worn in coaches and minibuses used specifically by children. There were some worries that framing regulations that were acceptable to the EU and enforcement would not be easy. The Department of Transport report admitted the UK would be "operating in a 'grey area' at the fringes of EC law" and that the Commission's agreement would be needed for any action to be taken.¹³ It was thought that it might also be difficult to define "specifically used for the transport of children", the phrase used in Mr MacGregor's statement.

¹¹ [HC Deb 19 July 1994, cc81-82W](#)

¹² DoT, *Review of the Technical and Cost Implications of the fitment of seat belts in minibuses and coaches*, May 1994 [HC DEP 324]

¹³ *ibid.*, para 22

The majority of minibuses and coaches affected by the new regulations were used by local authorities and voluntary organisations. The government's compliance cost assessment estimated that a cost of £25 + VAT per seat was appropriate for the cost of fitting belts to coaches. The additional costs to local authorities of implementing the new requirements were taken into account when determining the Educational Standard Spending Assessment (SSA) in local government finance settlements from 1995-96.¹⁴ The number of minibuses that would need to be converted was estimated to be 20,000 at a typical cost of £300 inclusive of VAT. *Advice to Users and Operators of Minibuses and Coaches Carrying Children* (VSE 1/96) and *Advice on Retrofitting Seat Belts in Minibuses and Coaches* (VSE 2/96) were published by the Department of Transport in December 1996.¹⁵

¹⁴ [HC Deb 21 January 1998, c546W](#)

¹⁵ an updated summary was published in October 2001 and is available on the [DfT website](#)