

## Transporting children safely by minibus

### Summary

In 2006 the law changed in respect of children travelling by minibus and coach, alongside the more widely publicised changes requiring child seats in cars.

In cars it is compulsory for children under 12 who are under 4'5" tall (135 cms) to use child restraints – baby seats, child seats, booster seats etc. In minibuses, the law says that child restraints must be used if *available* and *appropriate*. This means that it is not compulsory to provide them but they must be used if they are:

- *available* – in the minibus and not used by another child
- *appropriate* for the child – by age and weight
- *appropriate* for the minibus – they fit safely and securely.

Child seats are not generally suitable for the narrow seats in minibuses so should only be used if they fit safely and securely. Booster cushions are usually suitable and will substantially reduce the risk of injury to young children.

If you do not have appropriate child restraints available in a minibus, the law says that children aged 3 to 11 must wear adult seat belts. Note that these will not fit correctly and will put children at greater risk of serious injury than adults using the same belts.

If you regularly transport children under 12 who are under 4'5" tall (135cms) you should seriously consider using booster cushions as a minimum, as you have a duty of care to ensure that your passengers travel safely. If you transport children aged under three, please see the advice on page 3.

New regulations introduced in September 2006 require all children under 12 who are under 1.35m (4'5") to use an appropriate child restraint – baby seat, child seat or booster seat – when travelling by **car**. These regulations do not apply to minibuses in that there is no legal requirement to provide child restraints such as child seats.

In correspondence the Department for Transport has said: *“Nothing in law prevents child seats being used (in minibuses) if they fit... (However) the seats in these vehicles may be the wrong proportions for child restraints.”* This highlights the practical difficulty of trying to use equipment designed for cars in narrow minibus seats.

Before the changes in 2006 the law stated that in cars, younger children must wear an appropriate child restraint if available (baby seat, child seat, booster seat or booster cushion). This is still the case for minibuses. In correspondence the Department for Transport, recognising the practical difficulties in fitting child seat in minibuses, has said that ‘appropriate’ means that the restraint is appropriate for the minibus as well as appropriate for the age and weight of the child.

In other words, if a driver has a child seat, booster cushion etc available on the bus, it must be used if:

- It fits the minibus seat safely and securely
- It is suitable for the child = appropriate for their age and weight.

This does not mean that child restraints have to be provided for every child – simply that if they are available, they should be used where possible.

Where child restraints are not available or not appropriate for the minibus seat or child, children aged 3 or over must wear adult seat belts. While booster cushions are no longer available to purchase, they can still be used if appropriate. Since February 2017, manufacturers are not allowed to introduce backless booster seats for children shorter than 125cm or weighing less than 22kg. Backless booster seats manufactured before this date are not affected by this change.

The main reason behind the introduction of the 2006 regulations for car travel was that many children started using adult seat belts before they were tall enough. This means that the seat belt does not fit them correctly:

- The shoulder strap cuts across their neck instead of lying across their shoulder
- The lap strap tends to lie too high across their stomach instead of lower, close to their pelvis. If it is too high, in an accident this gives a high risk of damage to internal organs and a danger of ‘submarining’ in a crash – sliding out under the seat belt.

In both cases, if the belt does not fit correctly it can lead to serious or fatal injuries in an accident. A child seat or booster seat will overcome both problems, by raising the child up so that the belt fits correctly. The belt will then provide effective protection in an accident.

Generally, it is reasonably straightforward to use a booster cushion in a minibus, provided the seat is wide enough and there is a lap and diagonal seat belt. Where a minibus is fitted with ‘all age’ seat belts, that are adjustable for children and shorter adults, this may reduce the need for booster cushions.

However, as 'all age' belts do not alter the position of the lap belt, there is still a danger of 'submarining'. For this reason, the use of booster cushions for young children is still recommended, even where all age belts are fitted.

For children under the age of six, you need to consider using an appropriate baby seat, child seat or booster seat, depending on the age and weight of the child. This is where you are likely to encounter difficulties. These seats are designed for use in cars and the manufacturers do not generally approve their use in minibuses. The best compromise is to find a baby/child/booster seat which meets the needs of the child and fits securely to the minibus seat, using the adult seat belt. This will require trial and error – there is no list of which seats fit which minibuses.

As with all items of equipment, the driver must follow the manufacturer's instructions for use and report any problems or concerns.

Some organisations, whether minibus owners or users, may have a policy that covers children travelling by minibus – for example a minimum age to sit in the seats alongside the driver or when booster cushions should be used for young children. Make sure you are aware of any such policies and follow the instructions given.

### **Children under 3 years of age**

If you intend to transport children under 3 years of age in the **front** seats of a minibus (those alongside and in line with the driver's seat) then the law requires you to use an appropriate baby or child seat. If one is not available then it is illegal to transport a child under 3 in these seats. This is not a new requirement and applies to cars as well as minibuses. Even if you have a suitable child or baby seat, younger children are generally safer in the rear seats. It is therefore recommended that you use the front seats for adults and older children.

If you intend to transport children under 3 years of age in the **rear** seats of a minibus (any seats other than the front seats) you should use a baby seat or child seat if one is available and appropriate for the age and weight of the child. If a suitable child restraint is not available, it is legal for them to travel unrestrained (provided they do not travel in the front seats) but clearly they will be at a very high risk of serious or fatal injuries in an accident. An appropriate baby or child seat is therefore strongly recommended.

### **Children aged 3 and over – are adult seat belts sufficient?**

Transporting a child of three years purely in an adult seat belt is clearly far from ideal but it complies with the law and is safer than travelling without any form of restraint.

### **Dangerous practices to avoid**

There are certain things which are dangerous and you should **never** allow:

- An adult has a small child on their lap and wraps the seat belt around the two of them. In an accident the adult would crush the child, resulting in death or serious injury.

- The adult wears their seat belt and holds the child on their lap – the child is unbelted. In an accident the child would be propelled forward with great force, easily escaping the grip of the adult. A child flying forward unrestrained would again result in death or serious injury.

### ISOFIX – Secure fixings for child and baby seats

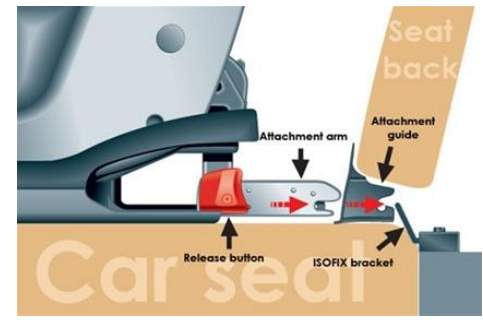
ISOFIX is the name given to a system that securely fixes a child or baby seat to the vehicle's seat frame. This system is quick and easy – and much more secure than older types that rely on using the vehicle's seat belts.

First introduced by car manufacturers, ISOFIX mounting points have been built into car seats for at least the last 10 years. Child seat manufacturers produce ISOFIX versions of their child seats (see photo – there are metal 'claws' protruding from the back of the child seat). This then enables the child seats to be simply plugged into the fixing points in the vehicle seat. ISOFIX mountings have been available on some minibus seats for a number of years and are likely to become more common in the future.

ISOFIX mountings provide a universal, stronger and more rigid mounting for a child seat, overcoming the problems of fitting these seats using seat belts.



- The mountings on the back of an ISOFIX child seat – protruding metal fixings



### Conclusion

You have a duty of care to your child passengers and should make all reasonable efforts to transport them safely.

### For further information please contact:

Community Transport Team, Hampshire County Council:  
 Email: [community.transport@hants.gov.uk](mailto:community.transport@hants.gov.uk) Tel: 01962 846785

Published by the Passenger Transport Group,  
 Economy, Transport and Environment Department, Hampshire County Council.

*Every care has been taken when detailing important areas such as legislation, but Hampshire County Council cannot be held responsible for any omissions or errors of fact in this fact sheet.*

*If your organisation wishes to reproduce this fact sheet in whole or part, please contact Hampshire County Council for permission.*