

INFORMATION SHEET - 011

Child Car Seat Update – The Motor Vehicles (Wearing of Seatbelts) (Amendment) Regulations 2006

Summary

New Regulations governing the use of child car seats come into force on 18 September 2006. The regulations introduce new requirements specifying when child restraints are to be worn. The table below provides a summary of the new requirements:

	Front Seat	Rear Seat	Who is Responsible?
Driver	Seat belt MUST be worn		Driver
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, then the child may travel unrestrained.	Driver
Child from 3rd Birthday up to either 135cms in height or 12 Years old.	Correct child restraint MUST be used	Where seat belts are fitted, correct child restraint MUST be used. MUST use adult seat belt if the correct child restraint is not available, in the following circumstances only: <ul style="list-style-type: none"> - In a taxi - Because of a journey that is an unexpected necessity, over a short distance. - Two occupied child restraints prevents fitment of a third. In addition, a child 3 and over may travel unrestrained in a rear seat of a vehicle if seat belts are not available.	Driver
Child over 1.35 meters in height or 12 to 13 years	Seat belt MUST be worn	Seat belt MUST be worn if available.	Driver
Adult passengers (over 14 years)	Seat belt MUST be worn	Seat belt MUST be worn if available.	Passenger

There is a responsibility on the Authority to ensure that when transporting children that these new regulations are complied with. As part of their health and safety system, any organisation that transports children must ensure their drivers are fit and competent, vehicles are safe and suitable, passengers are carried safely, and journeys are properly planned. Organisations or individuals who carry other people's children must be able to supply appropriate child restraints for each child carried until children are able to use the seat belt on its own.

What is meant by Child Restraints?

Child restraints is the term used within this legislation to mean baby seats, child seats, booster seats and booster cushions.

Modern child restraints are designed for specific weight ranges of the child. Seats have to meet the United Nations Regulation 44.03, "Uniform Provisions Concerning the Approval of Restraining Devices for Child Occupants of Power-Driven Vehicles ('Child Restraint Systems')". All child restraints should be marked with a label showing 'E' and '44.03' or '.03', the group number, or the weight of the child for which it is designed.

What do I need to consider when purchasing or using Child Restraints?

There are a wide variety of child restraints available, manufacturers use different names for their products and so the details below are intended as a guide only. When deciding on which car seat should be used the weight of the child is the main factor for consideration:

- **Group 0 and Group 0+** . These are baby seats, which are rear facing and for babies up to 10Kgs (Group 0) and 13kgs (Group 0+). This equates to approximately from age birth to 9-12 months.
- **Group I.** These are child seats, forward facing and for children 9Kgs to 18Kgs. This equates to approximately from the age of 9 months to 4 years.
- **Group II.** These are booster seats for children from 15Kgs to 25kgs. This equates to approximately from the age of 4 to 6 years.
- **Group III.** These are Booster cushions designed for children from 22Kgs and up to 36Kgs. This equates to approximately from the age of 6 years.

It must be remembered that it is the weight of the child and not the age, which must be considered when deciding which group of child restraint, should be provided/used.

Consideration must also be given to the type of vehicle into which the child restraint is to be fitted. Not all child restraints fit all vehicles. Some manufacturers and retailers provide information specifying which child restraints are suitable for which vehicles. It is advisable that this information must be used to ensure that the correct equipment is provided and used.

Where individuals are to be expected to fit car seats for use when carrying out activities on behalf of the Authority they should be provided with suitable and sufficient training, in the selection, fitting and use of the child restraint within the vehicle that the restraint will be used.

All child restraints must be checked on a regular basis and that any defect/damage or involvement with an accident is noted and appropriate actions taken.

What does the law require?

The New Law for Children up to 3 years old

In the front seat – The child **MUST** use the correct child restraint.

In the rear seat - The child **MUST** use the correct child restraint.

In a taxi a child restraint is not available then the child may travel unrestrained in the rear. It must be remembered that this exemption has been provided for practical reasons rather than safety reasons and that you should where possible make a car restraint available.

It is the driver's responsibility to ensure that the child is correctly restrained.

The New Law for Children over 3 and up to 1.35m in height, or the age of 12

In the front seat - The child **MUST** use the correct child restraint.

In the rear seat - Where seat belts are fitted, the child **MUST** use the correct restraint.

Exemptions – There are three exemptions, where a child within this age and height group does not have to use a child restraint. In each case the child **MUST** use the adult seat belt instead. These exemptions are

- In a taxi,
- If a child is travelling on a short distance for reason of unexpected necessity,
- If there are two occupied child restraints fitted in the rear, which prevent the fitment of a third.

In addition, a child over 3 may travel unrestrained in the rear seat of a vehicle if seat belts are not available.

It is the driver's legal responsibility to ensure that the child is correctly restrained.

The New Law for Children over 1.35m in height, or who are 12 or 13 years old.

In the front seat – The adult seat belt **MUST** be worn if available.

In the rear seat – The adult seat belt **MUST** be worn if available.

It is the driver's legal responsibility to ensure that the child is correctly restrained.

Other New Changes to the Law

Rear facing baby seats and air bags

In addition, the revised regulations also prohibit the use of rear facing baby seats where the front seat is protected by an air-bag unless the air-bag has been deactivated manually or automatically.

Children on Buses and Coaches

It is not a legal requirement for children under the age of 14 years to wear seatbelts in buses and coaches where they are available. The introduction of this exemption is

again due to practical reasons rather than safety reasons, and therefore all reasonable steps should be taken to ensure that where seatbelts are available, they are worn by children travelling on coaches and buses.

Further information

Further information can be obtained from:-

ROSPA (The Royal Society for the Prevention of Accidents) on www.rospa.com

The Department for Transport – www.thinkroadsafety.gov.uk, and
www.childcarseats.org.uk.

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