

Child Restraints and Seat Belt Rules

Business Impact

Advice to Members relating to the new law regarding children travelling in vehicles.

Background

Rental Members often provide child seats or booster seats as an additional service. The new laws which are explained in detail below do not provide any new obligation on Members, however, in the light of these changes Members may wish to review the advice if any, they offer to customers.

New Laws

Following agreement in Europe, legislation will be coming in on 18 September 2006 with regards to restraining children in vehicles. Whilst the responsibility for ensuring children under the age of 14 years are restrained correctly rests with the driver of the rental vehicle, Members may wish to consider advising customers of the change in the law.

The key changes are:

- All children under 3 years old must use an appropriate child restraint when travelling in any car or goods vehicles
- Children aged 3 or more years old and up to 135cms (approx 4ft 5inches) in height must use an appropriate child restraint when travelling in cars or goods vehicles fitted with seatbelts. The exemption for these regulations include for unexpected necessity over a short distance, if the right child restraint is not available and where two occupied child seats in the rear prevent the fitment of a third child seat.
- Rear facing baby seats must not be used in a seat with an active frontal air-bag.

From May 2009, where seatbelts are provided, the number of people carried in the rear of vehicles may not exceed the number of seats available fitted with seat belts or child restraints.

The penalties for offending driver's remains at a £30 fixed penalty notice or a maximum fine of £500 if a case goes to court.

Definitions

"**Child restraints**" is the collective term in the seat belt wearing legislation for:

- baby seats - rear-facing and for children up to 13 kgs (approx age birth to 9-12 months);
- child seats - forward facing and for children 9 kgs to 18 kgs (approx 9 months to 4 years);
- booster seats - for children 15 kgs to 25 kgs (approx 4 to 6 years);
- booster cushions - for children 6 years and up.

Advice

Supplying a child car seat or booster seat with the rental vehicle is deemed to be an accessory. The law does not require rental companies to either provide or fit the seat for your customers.

However, if you already supply these products or intend to supply them to your customers, then you should give your customer as much information as you can on how to use the seats correctly.

In addition, sufficient information should be made available to your customers to help them select the right seat and for them to know how it works.

Should you fit the seats for your customers?

Rental companies may find that their staff are not sufficiently trained to install the

Fact Sheet – 527

seats or even have sufficient knowledge to recommend the most suitable type of seat. Under these circumstances, it is advisable to ensure that your customer is provided with sufficient information for them to select and install the seat.

Summary of steps you should take when providing a seat

- Manufactures' instructions to fit the seat and strapping the child should be available.
- Provide sufficient information for the customer to select the most appropriate seat for the child. Factors such as age, weight and height will need to be considered.
- Advise your customer not to fit a rear facing child restraint in a seat with an active frontal air bag.
- Ensure the customer is made aware not to sit with a child in their lap with one seatbelt around both of them.
- Try to provide as much advice and assistance, but ensure you know your facts as the customer could hold you liable for incorrect advice.

Minibuses and Child Restraints

We are aware that customers and Members often temporarily remove seats from minibuses, for example to create extra luggage space. Department for Transport comments to us that where a temporary adaptation is made, which reduces the number of seats in the minibus to less than eight, there is no need to use child car seats or booster seats in the minibus.

Where a more permanent adaptation has been made and the vehicle has been reclassified with DVLA as having less than eight seats then there will be a requirement to use child car seats or booster seats. However, our understanding is that most minibus seats are not designed for use with child car seats and booster seats so there is

no requirement to comply with the legislation, as a suitable seat is not available.

Further Information

Department for Transport – frequently asked questions

http://www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/pdf/dft_rdsafety_pdf_611257.pdf

ROSPA – Choosing the right child car seat

http://www.rospa.com/roadsafety/info/carseats_choosing_using.pdf

For further information contact the legal services team at the BVRLA on Tel: 01494 434747