



Problem solvers

Are you facing a community transport problem? Perhaps you're struggling with the implications of some new legislation or considering the specifications of a new vehicle. You could be trying to work out the licences that your drivers need or worried about the

permits necessary. Whatever your problem, *CTA Journal* can help.

Our problem solvers, such as Amanda Eastwood, this issue's author (pictured), are all members of the CTA's advice and information team. Every day they field enquiries from across the UK's community

transport sector and they have a wide range of experience and knowledge to draw upon.

If you have a problem that you'd like to see solved on this page, please write to Problem Solvers at *CTA Journal*, Unit 4, 25a Vyner Street, London E2 9DG.



"We've heard that the legislation surrounding seat belt use and driver responsibility in minibuses is changing. Can you advise us on the situation?"

EU legislation that makes it compulsory for seat belts to be worn by all bus and coach passengers over the age of three years will be introduced later this year (Directive 2003/20).

The Directive extends the requirement to the wearing of seat belts in M2 and M3 category vehicles – minibuses and coaches respectively. All coaches and minibuses manufactured or first used on or after 1 October 2001 have to be fitted with seat belts (with the exception of those designed to carry standing passengers). Introducing this legislation has required altering

the technical requirements making the installation of seat belts compulsory in new motor vehicles.

Drivers and front seat passengers already have to use seat belts where fitted. Passengers in the rear of vehicles with an unladen weight of 2,540kg also have to wear them where fitted. Currently drivers are responsible for ensuring that children under 14 wear seat belts where fitted in the front and rear seats of all vehicles. However, in its consultation document, the Department for Transport (DfT) thought it would be unreasonable to expect coach drivers to ensure that children under 14 wear seat belts. Although there were several concerns that no one would have responsibility for children under 14, the DfT intends to exempt drivers of passenger-carrying vehicles over 3.5 tonnes from responsibility for children under the age of 14.

The DfT has decided, in the light of some of the responses to its consultation, to grant an exemption for registered disabled passengers who are unable to use a standard seat belt. The CTA recommends that such passengers obtain exemption certificates, but also that extension belts be made available if required. The legislation also exempts "passengers in urban areas or where standing is permitted".

There will be a requirement for operators of vehicles over 3.5 tonnes laden weight that are fitted with seat belts to notify passengers of the requirement to wear them whenever they are seated and the vehicle is in motion. Passengers should be notified verbally, through audio-visual instructions (eg video), or by an EU-approved pictogram (pictured here) displayed at every seating position.

The CTA recommends that best practice is that other forms of notification should be given to certain passengers, such as people with a visual impairment, young children or people with learning difficulties.

The DfT proposed that operators who failed to make adequate provision for notification would be committing an offence but concerns have been raised by the level of the proposed penalty – a maximum fine of £2,500. Drivers and other designated persons who fail to provide the necessary notification will be subject to a lower fine (maximum £500). Adult passengers could still face fixed penalties should they be caught not wearing a seat belt.

The date when the new regulations will be brought into force has not yet been announced by the DfT. ■

Amanda Eastwood is a member of the CTA's advice team

More information

The Directive can be viewed via: http://europa.eu.int/eur-lex/pri/en/oj/dat/2003/l_115/l_11520030509en00630067.pdf

The Regulation document can be viewed at: http://www.transport.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_039144.hcsp

The CTA's advice and information service covers the UK and the Republic of Ireland. It is open Monday to Friday from 9am to 5pm. There's also more information and advice on the CTA's website, www.communitytransport.com. To contact an expert adviser, telephone 0845 130 6195, or email adviceuk@communitytransport.com (England and Wales), advicescot@communitytransport.com (Scotland), adviceNI@communitytransport.com (Northern Ireland) and CTAIS@eircom.net (Republic of Ireland).