

Seat Belt Law for Children in Hackney Carriage and Private Hire Vehicles (Environmental Services, Robert Smith)

Synopsis of report:

The purpose of this report is to inform Members of the law regarding seat belts for children in hackney carriage and private hire vehicles.

Recommendation(s):

None. This is for information only.

1. Context of report

- 1.1 At the meeting of this Committee on 6 June 2022, Members requested an update on the law regarding seat belts for children in hackney carriage and private hire vehicles.

2. Report

- 2.1 The law states that all children travelling in the front or rear seat of any car, van or goods vehicle must use the correct child car seat until they are either 135cm in height or 12 years old (whichever comes first). Once they exceed this, they must use an adult seat belt. The driver is responsible for ensuring that children under the age of 14 years are strapped in correctly in accordance with the law.
- 2.2 Private hire operators or hackney carriage proprietors are not required by law to provide child car seats in taxis, private hire vehicles and minicabs.
- 2.3 Some exceptions to the seatbelt laws have been made for hackney carriage and private hire vehicles. These are shown in the paragraphs set out below.
- 2.4 Children under 3 years old.
- i) If carried in the front seat, an appropriate child restraint must be used (the adult seat belt is not sufficient).
 - ii) If carried in the rear seat, an appropriate child restraint must be used, if available. If a child car seat is not available in a licensed taxi or licensed private hire car, the child may travel unrestrained in the rear of the vehicle. This is the only exception for children aged under 3 years. It was introduced for practical rather than safety reasons.
 - iii) If an appropriate restraint is fitted in the front of the car, but not the rear, children under 3 years old must sit in the front and use that restraint. The restraint can be moved from the front to the rear, this must be done if using a rearward-facing baby seat and there is a passenger airbag fitted.

2.5 Children aged 3 years to their 12th birthday:

- i) If carried in the front seat, an appropriate child restraint must be worn if available. If not, an adult seat belt must be worn.
- ii) If carried in the rear seat, an appropriate child restraint must be worn if available. If not, an adult seat belt must be worn, if available.
- iii) If an appropriate restraint or seat belt is fitted in the front of the car, but not in the rear, children between 3 and 11 years old and under 1.35 metres tall, must use that restraint or seat belt. (it is possible of course to move the restraint from the front to the rear if required).

2.6 Passengers aged over 14 years old

- i) If carried in the front or rear seat, an adult seat belt must be worn if available.

3. Legal implications

- 3.1 The fixed penalty for failing to wear a seat belt as a driver or passenger is a £100 fine. If the case is taken to court, this can be up to £500.

(For information)

Background papers

<https://www.gov.uk/seat-belts-law/when-you-dont-need-to-wear-a-seat-belt>