



Department of the
Environment
www.doeni.gov.uk

School Bus Transport

Guidelines for the use of '3 for 2' and
Standing Capacity in Exceptional
Circumstances

September 2007

This document is available on the Department of the Environment's road safety website at www.roadsafetyni.gov.uk/index/buses/buses-school_buses/buses-school_buses-exceptional_use.htm

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1.0 Why have guidelines?

- 1.1 In September 2006 new measures were announced to improve the safety of school bus transport. These included ending the practice of three children sharing a two-person seat (known as '3 for 2') and ensuring that no child will have to stand on a school service¹.
- 1.2 It will still be possible, however, to make use of the '3 for 2' and standing capacity, but only in exceptional circumstances.
- 1.3 This document sets out guidance on the use, reporting and monitoring of '3 for 2' and standing.

2.0 Who should read the guidelines?

- 2.1 All those involved in the administration, provision, regulation and use of school bus transport in Northern Ireland, including:
 - staff within the Department of the Environment (DOE) with responsibility for regulating school bus safety,
 - staff within the Department of Education (DE) who are responsible for administering the provision of transport assistance to children who meet specified eligibility criteria,
 - staff within the Department for Regional Development (DRD) with responsibility for public transport policy and planning in Northern Ireland, of which Translink school bus transport is a part,
 - all school bus transport providers e.g. Translink, the Education and Library Boards (the ELBs) and private firms who operate under contract to the ELBs, and
 - all those who may wish to understand when '3 for 2' or standing can be used and the mechanism through which such use can be directly reported by parents, teachers, schoolchildren etc.

¹ School services are provided by Translink, the Education and Library Boards and private operators. Translink school services are defined as 'services or part services which operate during school terms to supplement the normal stage carriage operation and are scheduled to run along specified routes to/from school(s) or college(s) for the main purpose of home to school transport'. A full list of all current Translink school services is published at www.roadsafetyni.gov.uk/index/buses/buses-school_buses/buses-school_buses-exceptional_use.htm

3.0 What is meant by the terms '3 for 2' and 'standing capacity'?

- 3.1 Buses not fitted with seat belts are legally permitted to carry additional seated passengers on a '3 for 2' basis i.e. three children under 14 years of age can share a two-person seat.
- 3.2 Standing is also legally allowed on buses up to a stated limit which is marked on the side of, and possibly also inside, the vehicle (see examples below). This limit is set for each bus type by the manufacturer and approved by DOE before it can be used to carry passengers. The standing capacity varies depending on the type and size of the bus.



- 3.3 If, for example, a bus is marked with a capacity of 53 seated and 22 standing passengers (as in the picture above left), then the legal limit for that bus will be 53 seated, plus 22 standing, plus an additional 26 passengers (provided all seated passengers are under 14 years of age).
- 3.4 Annex A sets out the legal position regarding the '3 for 2' seating concession and standing on buses.

4.0 When can '3 for 2'/standing capacity be used?

- 4.1 A number of school bus transport providers currently operate in Northern Ireland, namely Translink, the ELBs and private operators (see Annex B for detailed descriptions of each).
- 4.2 How each operator uses '3 for 2' and standing capacity is set out below.

4.3 ELBs/Private Operators

- ELB and private operators do not allow standing on their buses.
- From **September 2007** '3 for 2' cannot be used on any ELB/private operator bus service i.e. buses are not permitted, in normal circumstances, to carry more than the seated capacity.

4.4 Translink

- From **September 2007** '3 for 2' cannot be used on any Translink bus service. Standing will also be phased out on school services (see note 1 on page 4 for a full description) reducing to a maximum of 12 children standing by **April 2008** and abolishing standing completely by **April 2009**. This means that buses are not permitted, in normal circumstances, to carry more than the seated and appropriate standing capacity.

4.5 However, from **September 2007**, in the exceptional circumstances set out in paragraph 4.6 below, Translink, the ELBs and private operators may use '3 for 2' and standing capacity up to the legal limit set out in Section 3.0 above.

4.6 '3 for 2' and standing capacity may only be used in the following circumstances:

- In situations where the personal safety of a child/children may be at risk if they were left behind, for example, at an isolated bus stop or station;
- When a larger number of children or members of the public than planned for are travelling due to:
 - an unexpected early school closure,
 - a cancelled after-school activity,
 - unforeseen fluctuation of passenger numbers at the start of the school year,
 - a bus breakdown,
 - failure of an onward connecting service,
 - significant traffic congestion,
 - severe weather conditions,
 - civil disturbance, or
 - any other unforeseen circumstance (to be defined).

5.0 Who records, monitors and reports on the use of '3 for 2'/standing capacity in exceptional circumstances?

Recording (school bus provider reports)

5.1 School transport providers will be responsible for:

- recording each exceptional use of '3 for 2'/standing on the form shown at Annex C, and
- forwarding any completed forms at the end of each week to the relevant ELB Transport Officer or Translink District Manager for input to an 'exceptional use' database (accessed by users with the appropriate permissions at www.roadsafetyni.gov.uk/index/buses/buses-school_buses/buses-school_buses-exceptional_use_database.htm).

N.B. If 'exceptional use' occurs on the same service for a number of consecutive days a form must be completed and a database entry made for each day.

Recording (external reports)

- 5.2 External reports regarding the use of '3 for 2', e.g. from pupils, teachers, parents, PSNI or DOE Enforcement, can also be made at any time directly to the appropriate ELB Transport Officer (for ELB and private operator buses) or Translink District Manager. See Annex D for contact details.
- 5.3 Transport Officers and District Managers should investigate the incident and, if it has not already been recorded, fill in a report form (ticking the 'external report' box) and enter the details on the database. Normal complaint procedures should then be followed.
- 5.4 If the person reporting the incident is not content that it has been dealt with satisfactorily by the Transport Officer or District Manager the Consumer Council for Northern Ireland may be able to take up the complaint on his/her behalf. See Annex D for contact details.

Quarterly Monitoring

- 5.5 DE (Schools Administration Branch) and Translink (Area Managers) will be responsible for quarterly monitoring of the use of '3 for 2' and

standing using the database reporting options. A quarterly report should be prepared summarising the findings and identifying any problems or trends as appropriate e.g. repeated or inappropriate use of the '3 for 2'/standing capacity. Any problems should be notified to the relevant ELB Transport Officer or Translink District Manager for action.

- 5.6 The appropriate ELB Transport Officer or Translink District Manager must inform DE or the Translink Area Manager within 1 month of notification of a problem of any actions taken and the outcomes.
- 5.7 All quarterly reports and correspondence regarding any follow up action should be copied to DOE (Road Transport Regulation Review Branch). All Translink quarterly reports and correspondence regarding any follow up action should also be copied to DRD (Ports and Public Transport Division) for information.

Annual Monitoring

- 5.8 At the end of each year DOE will review the DE/Translink quarterly findings and actions taken during the year and produce a composite annual report. This will be published on the DOE's road safety website (address given on page 2).
- 5.9 Key stakeholders such as the Consumer Council for Northern Ireland and the NI Commissioner for Children and Young People will have the opportunity to comment on the findings.
- 5.10 These annual reviews will inform DOE's policy on whether the exceptional use of '3 for 2'/standing capacity should continue.
- 5.11 A summary of this process is set out in Annex E.

Annex A – Current Legal Framework

'3 for 2' Seating

'3 for 2' seating is legally permitted on all types of buses, except where seatbelts are fitted.

The **Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995** state that *'three seated children each of whom is under 14 years of age and none of whom are occupying a seat provided with a seat belt shall count as two passengers.'* (Regulation 61)

Standing

Standing is legally permitted on all types of buses up to the stated limit which is marked on the side of the vehicle (as explained in paragraph 3.2).

The **Public Service Vehicles (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995** states that *'the number of passengers who may stand in a vehicle shall not exceed -*

(a) one third of the number of passengers for which the vehicle, or in the case of a double-decked vehicle, the lower deck, has seating capacity or 8, whichever is the less; or

(b) such greater or lesser number than that provided for in sub-Paragraph (a) as determined by a vehicle examiner and marked on the outside of the vehicle in accordance with regulation 59.

(Regulation 62)

Regulation 59 states that 'a bus shall not be used on a road unless there shall be marked on the nearside of the vehicle with letters not less than 25 millimetres in height, in a colour contrasting with the colour of their background -

(a) its maximum seating capacity as determined in accordance with regulation 61 (i.e. regulations relating to '3 for 2' seating above), or such lesser standing capacity as may be determined by the licensee;

(b) its maximum standing capacity as determined in accordance with regulation 62 (i.e. regulations relating to standing capacity above), or

*such lesser standing capacity as may be determined by the licensee;
and*

(c) the name and address of the licensee.

Annex B - School Transport Providers

- **Translink**

Translink carries children to and from school either on normal scheduled stage carriage services or on 'school' services (see note 1 on page 4 for a full description). All buses used will be in either Ulsterbus or Metro livery. The photos below show examples of the buses used.



- **The Education and Library Boards (ELBs)**

The ELBs operate their own fleet of buses to transport school children. These buses are of varying size and in distinctive yellow and white livery. Examples are shown below.



- **Private operators**

School children are also carried by private firms which operate under contract to the ELBs. Buses can be of varying size and livery depending on the operator used. Examples are shown below.



Annex C – Reporting Form



Exceptional Use of '3 for 2' / Standing Capacity - Reporting Form

Date of Exceptional Use:

External Report ?
(Please tick)

Service Provider: Translink ELB Private Operator
(please add name)

Route Origin:

Start Time:

Route Destination:

Service Number:
(if known)

Number of Additional
Children Carried:

Reason for Exceptional Use (please tick):

- Personal safety of child/children
- Unexpected early school closure
- Cancelled after-school activity
- Bus breakdown
- Unforeseen fluctuation of passenger numbers
at the start of the school year
- Failure of onward connecting service
- Significant traffic congestion
- Severe weather conditions
- Civil disturbance
- Other unforeseen circumstance
(please give further details below)

Completed by: Date:

Verified by: Date:

Annex D – Contact Details

ELB Transport Officers

Mr Brian Chambers

Transport Officer
Belfast Education and Library Board
10 Lancaster Street
BELFAST
BT15 1EZ

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Mr Dale Hanna

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Mr J.J. Cavanagh

Transport Officer
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28 Farmhill Road
OMAGH
Co Tyrone

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Translink - District Managers

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Mr Jonathan Millar

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Mr Sam Todd

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Mr Jim McCauley

Controller, Lisburn
Bus Office
2A Smithfield Square
Lisburn
BT28 1TH

Tel: (028) 9266 2091

Email: jim.mccauley@translink.co.uk

Translink - Area Managers

Mr Billy Telford

Northern Area Operations Manager
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Foyle Street
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Email: billy.telford@translink.co.uk

Mr Billy Gilpin

Central Area Network Manager
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Email: billy.gilpin@translink.co.uk

Mr David Cowan

Southern Area Operations Manager
Southern Area Office
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General Consumer Council For Northern Ireland

Elizabeth House,
116 Holywood Road,
Belfast,
BT4 1NY

Telephone/Text phone: +44 (0)28 9067 2488

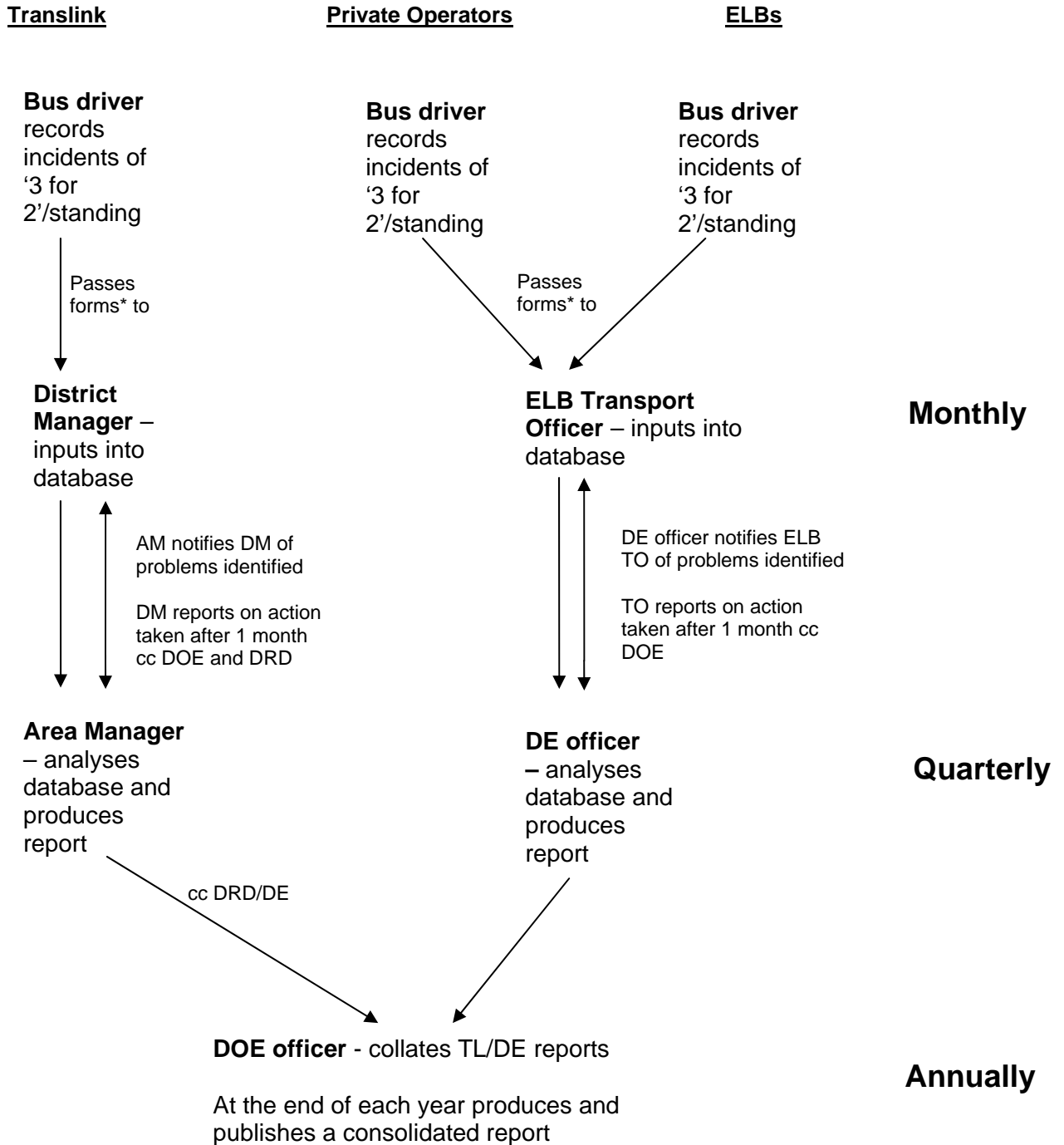
Fax Number: +44 (0)28 9065 7701

Complaints Line: +44 0845 601 6022

E-mail Address:

complaints@consumercouncil.org.uk

Annex E - Recording / Monitoring Summary



* all forms must be verified and signed as a complete and accurate record of events by the ELB Transport Officer and Translink District Manager