Petition Number: PE1098

Main Petitioner: Lynn Merrifield on behalf of Kingseat Community Council

Subject: Calls on the Parliament to urge the Scottish Government to ensure that all buses used for school transport are fitted with three-point seat belts.

Background

Seat Belt Legislation: The Road Traffic Act 1988 governs the installation and use of seat belts in motor vehicles across the UK. Heading E1, Schedule 5 of the Scotland Act 1998 states that the subject matter of the Road Traffic Act 1998 is reserved, meaning that the Scottish Parliament cannot legislate to require children to wear seat belts on school buses or require vehicle manufacturers, owners or operators to fit seat belts to their vehicles.

The current regulations governing the fitting of seat belts in buses and coaches are the Road Vehicles (Construction and Use) Regulations 1986, as amended. Full details of the requirements of these Regulations can be found on the Department for Transport’s website, in summary all buses, coaches and minibuses coming into service after 1 October 2001 should be fitted with appropriate seat belts. This requirement does not apply to buses designated for urban use with standing passengers.

The Department for Transport recently finished a consultation (30 November 2007) on the transposition of an EU Directive into UK law, which requires children aged 3 and above to wear seat belts on buses and coaches where they are provided. Details of this consultation are available online.

School Transport Legislation: Section 42(4) of the Education (Scotland) Act 1980 sets out the maximum distances which children can be expected to walk to school, i.e:

- Children under eight years of age: maximum of 2 miles
- All other pupils: maximum of three miles

Section 51 of the 1980 Act requires education authorities to make such provision for school transport as they consider necessary, or to pay all or part of reasonable travelling expenses incurred. The effect of combining the requirements of Sections 42(4) and 51 is commonly viewed as obliging an education authority to provide school transport whenever the walking distances would be greater than the distances set out above, or where it would be unreasonable, dangerous or impossible for a child to walk to school.

Best Value: Section 1 of the Local Government in Scotland Act 2003 places local authorities under a duty to “make arrangements which secure best
value”. Best value is defined as “continuous improvement in the performance of the authority’s functions”. In securing best value, a local authority must balance three factors:

- the quality of its performance of its functions
- the cost to the authority of that performance
- the cost to persons of any service provided by it for them on a wholly or partly rechargeable basis

In maintaining that balance a local authority must consider efficiency, effectiveness, economy and the need to meet equal opportunities requirements.

Scottish Government Action

The Scottish Government sets out its guidance to local authorities on the provision of school transport in Circular 7/2003. The guidance does not prevent the use of buses designed for urban use, which are not required to be fitted with seat belts, for school transport. The guidance is clear that “It is for education authorities themselves to negotiate the terms of contracts for school transport”. Local authorities are free to negotiate a school transport contract that requires the exclusive use of buses fitted with seat belts, although it is likely that such a contract would be more expensive than one which allowed the bus operator to use any appropriate type of vehicle.

In the autumn of 2006 the previous Scottish Executive commissioned consultants to identify examples of best practice in the provision of school transport across Scotland. This resulted in the publication of School Transport: Survey of Good Practice on 16 March 2007.

Scottish Parliament Action

There was a members’ debate on School Transport Safety on 8 February 2007 and a members’ debate on School Bus Safety on 23 November 2006.

The previous Education Committee considered the then Scottish Executive’s school transport guidance to local authorities at its meeting of 1 October 2003.

Alan Rehfisch
SPICe Research
22 November 2007

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