

PROPOSED SEAT BELTS ON SCHOOL TRANSPORT (SCOTLAND) BILL

STATEMENT OF REASONS WHY CONSULTATION IS UNNECESSARY

Proposal

1. My draft proposal is for a Bill to ensure that seat belts become a legal requirement on all dedicated home-to-school transport in Scotland, strengthening measures being taken to improve the safety of children and young people on the journey to and from school. It will introduce a statutory duty on local authorities and other education providers to ensure that the vehicles used in their dedicated home-to-school transport provision are fitted with seat belts.

Background to proposal

2. There is currently no legal obligation for seat belts to be fitted on dedicated school transport in Scotland, despite the well-established safety benefits they can bring in the event of a road traffic accident. This Bill would make it compulsory for such home-to-school transport provided by local authorities and independent/grant-aided school providers to have seat belts fitted. This is similar to measures already implemented in Wales from 2014. It also relates to a former petition before the Scottish Parliament's Public Petitions Committee ([PE1098](#)).

3. Local authorities have a statutory duty under the Education (Scotland) Act 1980, as amended, to make such arrangements as they consider necessary for the transport between home and school of pupils residing and attending schools in their area. Councils generally use 'statutory walking distances' to calculate entitlement to free dedicated school transport, defined as 2 miles and over from the pupil's home to school for those under 8 years of age and 3 miles and over for older pupils, offering provision for pupils over these distances. In practice, such transport is often supplied by way of buses or coaches which are contracted from operators for use as dedicated school transport, but can also be through vehicles owned by local authorities.

4. There are currently 17 local authorities in Scotland which already stipulate seat belts as a requirement in all dedicated school bus contracts and a further 6 which require it on some contracts, such as services only for primary school pupils or for a particular type of vehicle. My proposed legislation would therefore ensure this important safety measure becomes universal on dedicated school transport across the country.

5. The Scottish Government has had a long-standing intention to make seat belts a legal requirement on dedicated school transport, as announced by the then Minister for Transport and Veterans Keith Brown on 18 March 2014, and has secured devolution of powers on the issue to the Scottish Parliament via the [Scotland Act 1998 \(Modification of Schedule 5\) Order 2015](#). I intend to take this issue forward as a Member's Bill.

6. The Scottish Government intended for legislation to come into force in 2018 for vehicles transporting primary school children and 2021 for vehicles carrying secondary school pupils. Such a lead-in time gives those affected – primarily local authorities and bus operators – time to allow for the changes particularly in relation to contracts. It would be my intention also to allow for this.

7. A comprehensive Scottish Government consultation on this issue ran from 10 March 2016 to 3 June 2016, with the analysis due to be published on 26 August.

- Consultation - <https://consult.scotland.gov.uk/transport-scotland/seatbelt-requirements>
- Responses - https://consult.scotland.gov.uk/transport-scotland/seatbelt-requirements/manage_respondents
- Analysis - <http://www.transport.gov.scot/report/consultation-seatbelt-requirements-dedicated-school-transport-analysis-report-9208>

Statement of Reasons

8. In relation to my draft proposal for this Bill, I do not consider that a further consultation is required for the following reasons.

9. The national public consultation undertaken by the Scottish Government is still particularly recent and pertinent, with the analysis being published on 26 August, and my proposals are directly related to the measures on which feedback was given from organisations and people across civic society, such as parents and schools. The consultation was wide-ranging, covering issues and considerations including the practical, operational and financial considerations associated with the proposals, and received 79 responses from various bodies and individuals with an interest in the area of school transport. An in-depth analysis has been undertaken and, given that very little time has elapsed since this consultation closed, a further consultation at this time is likely to simply duplicate this and illicit very similar feedback from the same respondents.

10. The Scottish Government has also created a working group of key stakeholders to specifically consider this issue, which has been meeting for the past two years. This has allowed extensive dialogue and enabled interested parties to help shape and influence the SG proposals which were consulted on, and which I intend to carry forward into this Bill. Working group members are: Transport Scotland officials, Scottish Government Education officials; the Convention of Scottish Local Authorities; the Association of Transport Co-ordinating Officers; the Association of Directors of Education in Scotland; the Society of Chief Officers of Transportation in Scotland; the Confederation of Passenger Transport; Regional Transport Partnerships; Strathclyde Partnership for Transport; Aberdeenshire Council; the National Parent Forum Scotland; the Scottish Council for Independent Schools; the Federation of Small Businesses and the Scottish Parent Teacher Council.

11. The issue is long-standing and petition PE1098 dates back to 2007, with the cross-party Public Petitions Committee taking evidence from a range of key stakeholders over a number of years and exploring the detail of SG proposals. Additionally, former Minister for Transport and Islands Derek Mackay appeared before the previous Infrastructure and Capital Investment Committee in February 2015 regarding the Scotland Act Order which devolved competence. The official report can be [seen here](#).

Conclusion

12. I consider that there has been ample opportunity for key stakeholders and the wider public to express their views on these proposals and that no further formal consultation exercise is required on my proposal for a Bill. I believe that adequate material has been published on this issue and is sufficiently detailed to inform the Bill's policy objectives and eventual production.

13. I request that Parliament considers this statement of reasons and indicate whether it is satisfied with the rationale I have set out above for not consulting on the current draft proposal.

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26 AUGUST 2016