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Public Petitions Committee

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Ur faidhle/Your ref:

Ar faidhle/Our ref:

9 January 2014

Dear Dave,

The purpose of this letter is to update you on progress in relation to the transfer of powers to Scotland on dedicated school transport prior to your next PPC meeting.

I attach for ease my letter of 11 December 2013 to the Rt Hon Patrick McLoughlin MP in which I sought assurance that in addition to the section 30(2) order being granted that either UK legislation is strengthened in relation to construction and use regulations (specifically signage and lighting requirements) or that these powers are devolved to Scotland. The follow-up response of 30 December from Stephen Hammond MP is also attached.

You will note that in his response, Mr Hammond advises that DfT officials are awaiting details of the functions being sought from Transport Scotland before proceeding. Approval was given by the Cabinet Sub-Committee on Legislation at the beginning of December to proceed with a section 30(2) order. My officials are now following the formal process and subsequently forwarded the necessary paperwork to the Scotland Office for their consideration. The Scotland Office will contact DfT to seek mutual agreement on whether the section 30(2) power is to be used in this case. If and when this is agreed my officials will be in a position to take this process forward.

You will note from the DfT response that the UK Government do not intend to make any changes on lighting and signage but state that they will monitor the situation.

Kind regards.

KEITH BROWN

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Rt Hon Patrick McLoughlin MP
Secretary of State for Transport
Department for Transport
Great Minster House
33 Horseferry Road
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11 December 2013

Dear Patrick

You may be aware that there are two current Public Petitions in the Scottish Parliament concerning school bus safety. One relates to the installation of seatbelts on dedicated school transport and the other is seeking to ensure that Local Authorities install proper safety signage and lights on school buses which are used only when school children are on the bus and to make overtaking a stationary school bus a criminal offence.

You may also be aware that Mike Penning MP, while a Minister at the DfT, attended the Public Petitions Committee (PPC) Meeting on 26 October 2010 and stated that similar powers to those granted to the Welsh Assembly could be granted to Scotland if Scottish Ministers were to approach the UK Government with a request. As different constitutional arrangements exist for Wales and Scotland, my officials are currently pursuing this course of action through a Section 30(2) Order which seeks an exception to the reservation in the Scotland Act and devolves the power to the Scottish Parliament in relation to safety measures on dedicated school transport. I attended the most recent PPC meeting on 12 November, and I understand the Committee has now written to you seeking advice specifically on the issue of the timescale for powers relating to school bus safety being devolved to Scottish Ministers.

Turning to the signage and lighting issue, I understand that prior to Mr Penning attending the PPC meeting in October 2010, my predecessor, Stewart Stevenson MSP, wrote to the UK Government in February 2010 to ask if it would consider strengthening legislation particularly with regard to construction and use relating to school buses.

The response from the UK Government at that time was that the evidence does not indicate that there is a significant road safety benefit to be gained through the introduction of different construction standards for buses used for dedicated home-to-school transport.

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At the PPC meeting in November, I was asked to approach the UK Government again to seek either strengthened UK legislation on this issue or the transfer of powers to Scottish Ministers on construction and use regulations (and specifically signage and lighting requirements) in order for us to consider the best solution for Scotland.

Specifically, the petitioner had asked us to take all appropriate action, whether through amending guidance, contracts, agreements or legislation that school buses have a lighting system that indicates when the bus is stopping to drop off or pick up passengers. We have ensured that guidance has been updated, and have facilitated a couple of workshops to allow Local Authorities to share best practice in Scotland, but also want to ensure that legislation is further strengthened to help ensure the safety of our children as they travel to and from school.

Therefore, I am seeking your assurance that in addition to the s30 order being granted, UK legislation is strengthened or that powers are devolved to Scottish Ministers relating to construction and use.

I should be grateful for a response as soon as possible as the PPC is meeting again early in the New Year to consider these on-going Petitions.

Kind regards

KEITH BROWN



Department
for Transport

From the Parliamentary
Under Secretary of State
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Our Ref: MC/93107

30 DEC 2013

Dear Keith,

Thank you for your letter of 11 December to Rt Hon Patrick McLoughlin MP, about transferring powers to Scotland in relation to dedicated school transport, and in particular regarding school bus lighting and signage. I am replying as Minister responsible for this issue.

David Stewart MSP, Convener of the Public Petitions Committee, wrote to the Department on the 21 November asking which powers relating to school bus safety will be devolved and the expected timescale. Robert Goodwill MP, Under Secretary of State, replied on 19 December, that the Department for Transport officials are awaiting details of the functions for which transfer is being sought from Transport Scotland before proceeding.

On the matter of lighting and signage, as you are aware, the Road Vehicle Lighting Regulations set out minimum requirements for lighting and signage to ensure the safety of children on and in the vicinity of the bus. Local authorities can stipulate additional measures, within what is permitted by the regulations, as both yourself and Mike Penning explained in the letter sent jointly to local Authorities in June 2011. I believe this approach strikes the right balance between the need for regulation and providing local authorities with the flexibility to apply additional measures to meet their specific needs and there are currently no plans to amend the existing legislation.

The Department continues to monitor the situation and should robust evidence become available indicating that further measures are necessary my officials will consider the best approach, whether by issuing further guidance, changes to legislation or other means, taking into account the costs and benefits to operators and their passengers.

STEPHEN HAMMOND