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The Scottish Parliament
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CONSIDERATION OF PE1098 and PE1223

Thank you for your letter of 6 October expressing the Committee's disappointment that no clear way forward on the transfer of additional devolved powers to the Scottish Parliament has yet been identified, and seeking assurance that work to improve school transport safety in Scotland is being treated as a priority.

I am surprised that you did not take the opportunity in your letter to acknowledge that 12 local authorities are already contracting for school buses with seatbelts of their own accord, that a further 5 local authorities partially do so through restrictions to the type of vehicles used on particular routes, and that of the remaining local authorities a number require seatbelts for dedicated primary school transport. This lack of acknowledgement is especially disappointing considering that as recently as 2008 the Committee commented that only one local authority appeared to contract for school buses with seatbelts. These latest figures clearly show that local authorities are already making considerable progress in discharging their statutory responsibility for the safety of children travelling to and from school without the imposition of further Government prescription.

I know you will agree that legislating is not a matter to be entered into lightly and it is certainly not a quick or simple option. In addition to the requirement for clearance by the UK Government, the Scotland Office and the Scottish parliament Sub-Committee on legislation – potentially taking up to one year for any legislation to be devolved, it would then also require primary legislation in the Scottish parliament which could take at least a further year to enact.

The Committee may also be aware from the similar legislation enacted by the Welsh Assembly this year, school bus providers were given a further 3 years after enactment to allow them to update their fleets. In fact, even following a simpler process due to the different devolution settlement to that of Scotland, it also took nearly 2 years from Wales first requesting powers to enactment of their school transport safety measures.

A similar timetable for Scotland, following the transfer of powers, primary legislation, and reasonable lead in period for providers could mean around 2017 at the earliest for full compliance by which time all education authorities may have, of their own accord, made sure that they only use buses with seatbelts for dedicated school transport. They can, of course, already do this quite simply by stipulating that only coaches built after 2001 are used in school contracts as construction and use regulations stipulate that any coaches built since then must be fitted with lapbelts.

I trust this information is helpful in informing the Committee of the realistic amount of time required to complete and fully enact regulations and that the Committee is reassured by the Government's determination to make changes by the quickest and most practicable route.

I can confirm that we prioritise road safety issues according to the numbers killed and seriously injured. Our main priority is drivers aged 17 to 25 who accounted for around 25% of fatalities and serious injury last year. However, children, who accounted for around 1.7% of killed and serious injury last year, are also a priority in our road safety framework. We are making good progress here in Scotland. In 2010 there were, regrettably, 4 child fatalities whilst in 2008 there were 20. Although most child fatalities and serious injury occur when children are passengers in cars or when as pedestrians we understand the concerns of parents regarding school travel. This is why we produced a school travel guide. We are also planning seminars for local authorities to discuss the contents of that guide and to help publicise the good practices which can be employed in helping to assure safety in school travel. This includes the role of schools, transport providers, parents and the children themselves.

Kind regards

KEITH BROWN