

**PE1223/EE**

Road Safety Team  
**Transport Policy**

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CÒMHDHAIL  
ALBA



Alison Wilson  
Assistant Clerk to the  
Public Petitions  
Committee  
T3.40  
The Scottish Parliament  
Edinburgh  
EH99 ISP

Your ref:

Our ref:

Date:  
31 August 2011

Dear Alison

Thank you for your letter sent on 26 July to Carron Pollock at Transport Scotland seeking written responses for the Public Petitions Committee on PE1098 and PE1223 following its meeting on 28 June 2011. The Committee asked for written responses on 2 points which, for convenience, are reproduced below in bold followed by the responses.

**What information does the Scottish Government hold in relation to the number of local authorities that contract only for school buses that have seatbelts?**

The Committee is already aware that primary legislation currently places the provisions of school contracts firmly with local authorities and Ministers cannot dictate what these provisions should be. As such, this is not information that the Scottish Government routinely seeks from local authorities.

However, at the Committee meeting on 28 June, Keith Brown, Minister for Housing and Transport offered to provide any information that we did hold. In October 2010, we understood that the number of Scottish authorities which had taken steps to require that seatbelts be fitted in all school transport vehicles had grown to eleven; and a further four at that time required them to be fitted in vehicles used for the transport of primary pupils.

To be helpful to the Committee we asked CoSLA if it could provide an update to that information. In response to that request, the Association of Transport Co-ordinating Officers (ATCO) has provided figures showing that twelve local authorities presently fully insist on seat belts to be provided and a further 5 local authorities partially do so through restrictions to the type of vehicles used on particular routes. For example, Falkirk Council does not permit double-decker buses on some of its rural or exposed roads. The position within the 10 local authorities covered by SPT is that seat belts are often required for dedicated primary school transport but not for secondary.

**Could the committee be provided with an update on the general progress of the work that is currently being undertaken in relation to the devolution of powers with regards to school bus safety.**

Discussions are ongoing between solicitors in the Scottish Government and the Department for Transport. These discussions have centred on identifying a suitable mechanism that might be used to transfer the same powers and latitude as has been afforded to the Welsh Assembly – essentially whether an Order made under section 30 or section 63 of the Scotland Act would be suitable. It looks likely that this will be section 30 and we expect this to be confirmed shortly.

We have also discussed with policy colleagues in Wales the types of safety measures they have included in their learner transport legislation which include the powers given to the Welsh Assembly enable Welsh Ministers to regulate on:

- The type of vehicle which could be used;
- The equipment which may be fitted to such a vehicle, for example, seat belts and CCTV cameras;
- Risk assessments to be carried out on learner transport
- Driver training
- Enforcement

We have established that, as a result of the learner competence order for Wales, the Welsh Assembly has passed the Safety on Learner Transport (Wales) Measure 2011. This provides the Welsh Ministers with regulatory powers in relation to CCTV, risk assessments, driver training, supervisors on learner transport and enforcement. It also placed a requirement that all buses used for school bus transport must have a seatbelt fitted to every passenger seat by 1st October 2014.

**Jill Mulholland**  
**Road Safety Policy Team Leader**