

Minister for Transport and Veterans  
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David Stewart MSP  
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Public Petitions Committee  
T3.40  
The Scottish Parliament  
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18 April 2013

Dear David

### **CONSIDERATION OF PE1098 and PE1223**

I am writing to you to provide you with an update on the progress that has been made since 27 November 2012, when you last considered these petitions.

TRL were commissioned to undertake a review of The Guide to Improving School Transport Safety which was published on the Transport Scotland website in 2010. The completed Review was published on the Transport Scotland website in February 2013 and, during this exercise, a number of local authorities confirmed that workshops to share lessons learned and best practice in the provision of school transport safety would be useful. Two members of the Road Safety Strategic Partnership Board are now contacting all local authorities asking them to do a self-evaluation against the 10 recommendations set out in the original Guide so that the content and format of the workshops can be developed to best meet the needs of the local authorities and to encourage them to attend. Once this information is received, it is the intention of my officials to put this Contract out to tender.

As you are aware, we are investigating the associated costs of fitting seat belts (and potentially other safety measures) to all school transport. MVA Consultancy is the successful contractor for this project following a tender exercise and was appointed on 6 December 2012. At the Public Petitions Committee meeting on 27 November 2012, you indicated that you intended to hold a discussion on this issue in May 2013 as the last indication I gave was that the report would be ready by end April 2013. This letter confirms that the final report will not be delivered until **30 June 2013**. This delay is due to a couple of weeks slippage in appointing the Contractor and the anticipated initial work not being able to be undertaken prior to the 2012 Christmas holiday break.

Meantime, the Scottish Government is considering seeking an Order in Council under section 30(2) of the Scotland Act 1998 to amend schedule 5 to the Act, to enable regulation of the specification of school transport but not including the setting of technical standards for construction or equipment (i.e. construction and use). A decision in that regard will be made after the report referred to above becomes available.

On 12 April 2010, the Welsh Assembly obtained powers to legislate in relation to:

Regulation of the description of vehicle which may be used pursuant to learner transport arrangements (including description by reference to a vehicle's construction or equipment) but not including the setting of technical standards for construction or equipment which differ from the standards that would or might otherwise apply to that vehicle.

This effectively granted the WA competence to legislate in terms of the type of vehicle which could be used and the equipment which may be fitted to such a vehicle e.g. seatbelts, CCTV cameras; risk assessment to be carried out on learner transport; driver training and enforcement.

In the event that devolution of similar powers from DfT to Scottish Ministers is secured, we will be able to ensure that all dedicated school transport in Scotland is fitted with additional safety measures. The safety measures (including seatbelts) to be included, and to be insisted upon by local authorities when letting their contracts with bus operators for the provision of dedicated school transport, would be set out in subsequent legislation.

I trust you find this information helpful.

Kind regards

**KEITH BROWN**