



# Seat Belts on School Transport (Scotland) Act 2017

2017 asp 7

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 9th November 2017 and received Royal Assent on 18th December 2017**

An Act of the Scottish Parliament to require that motor vehicles provided for the dedicated transport of pupils are fitted with seat belts.

## **1 Duty to ensure seat belts fitted on dedicated school transport services**

A school authority must ensure that each motor vehicle which the authority provides or arranges to be provided for a dedicated school transport service has a seat belt fitted to each passenger seat.

### **Commencement Information**

**II** [S. 1](#) in force at 1.8.2018 for specified purposes by [S.S.I. 2018/195, reg. 3\(1\)](#)

## **2 Meaning of “dedicated school transport service”**

- (1) For the purpose of this Act, each of the following is a “dedicated school transport service”—
  - (a) a home-to-school transport service,
  - (b) a school trip transport service.
- (2) A “home-to-school transport service” is a transport service provided for the sole purpose of carrying pupils, for the whole or part of the journey, either or both—
  - (a) from the pupils' homes to any educational establishment where school education is provided for the pupils by a school authority,
  - (b) from any such establishment to the pupils' homes.
- (3) A “school trip transport service” is a transport service, other than a home-to-school transport service, provided for the sole purpose of carrying pupils for whom school education is provided by a school authority, for the whole or part of the journey, to or from a place where the pupils receive education or training (including to or from an educational establishment).

*Changes to legislation: Seat Belts on School Transport (Scotland) Act 2017 is up to date with all changes known to be in force on or before 26 March 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 3 Meaning of other key terms

(1) In this Act—

“motor vehicle” has the meaning given by section 185 of the Road Traffic Act 1988,

“passenger seat” means any seat in a motor vehicle other than the driver's seat,

“school authority” means—

- (a) an education authority,
- (b) the managers of a grant-aided school,
- (c) the proprietor of an independent school,

“seat belt” means a belt of any kind which complies with the requirements of regulations made under section 40 of the Road Traffic Act 1972 and section 41 of the Road Traffic Act 1988 governing the construction, equipment and maintenance of motor vehicles.

(2) Each of the following terms in this Act has the meaning given by section 135 of the Education (Scotland) Act 1980—

“education authority”,

“educational establishment”,

“grant-aided school”,

“independent school”,

“managers”,

“proprietor”,

“pupil”,

“school education”,

“secondary education.”

### 4 Annual seat belts statement

(1) A school authority must prepare a seat belts statement in respect of each successive period of 1 year beginning with the day on which this section comes into force.

(2) A “seat belts statement” is a statement containing information about the steps which the authority has taken—

- (a) to comply with the duty imposed by section 1, and
- (b) to promote and to assess the wearing of seat belts by pupils carried by the authority's dedicated school transport services.

(3) A school authority must publish the seat belts statement—

- (a) as soon as reasonably practicable after the end of the period mentioned in subsection (1), and
- (b) in such manner as the authority considers appropriate.

#### Commencement Information

I2 S. 4 in force at 1.8.2018 by S.S.I. 2018/195, reg. 3(1)

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## 5 Guidance on wearing of seat belts

- (1) The Scottish Ministers must publish guidance about the steps which a school authority may take to promote and to assess the wearing of seat belts by pupils carried by the authority's dedicated school transport services.
- (2) A school authority must have regard to such guidance.
- (3) Before publishing such guidance, the Scottish Ministers must consult—
  - (a) such persons as they consider to be representative of school authorities, and
  - (b) such other persons as they consider appropriate.

### Commencement Information

**I3** S. 5 in force at 1.8.2018 by [S.S.I. 2018/195](#), [reg. 3\(1\)](#)

## 6 Commencement

- (1) This section and sections 2, 3 and 7 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under subsection (2) making provision in relation to section 1 may not appoint a day later than 31 December 2018, except that a day no later than 31 August 2021 may be appointed in respect of arrangements to provide a home-to-school transport service for pupils for whom secondary education is provided where—
  - (a) the service is provided under a contract entered into by or on behalf of a school authority before the day on which the Bill for this Act received Royal Assent, and
  - (b) the contract as constituted on that day does not require that the motor vehicle used to provide the service has a seat belt fitted to each passenger seat.
- (4) Regulations under subsection (2) may—
  - (a) include transitional, transitory or saving provision,
  - (b) make different provision for different purposes.

## 7 Short title

The short title of this Act is the Seat Belts on School Transport (Scotland) Act 2017.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 1 coming into force by [S.S.I. 2018/195 reg. 3\(2\)](#)