

SEAT BELTS ON SCHOOL TRANSPORT (SCOTLAND) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2 – Meaning of “dedicated school transport service”

9. This section defines “dedicated school transport service” for the purposes of the Act and therefore determines the scope of the section 1 duty. The two kinds of service which fall within this wider definition are set out here: a “home-to-school transport service”, as defined in subsection (2), or a “school trip transport service”, as defined in subsection (3).
10. The first kind of service, a “home-to-school transport service”, refers to transport services which carry pupils to and/or from their homes and any educational establishment where they receive school education (as defined in the Education (Scotland) Act 1980) provided by a school authority. There are situations where pupils begin or end the school day at an institution at which they are not registered – for instance to take certain classes which are not offered at their own school – and this would be covered by this definition.
11. The second kind of service, a “school trip transport service”, refers to transport services arranged by school authorities which carry pupils to and/or from any place where they receive education or training in general (whether that is provided at a school or at another place, such as during a visit to a museum or castle). This is a broad definition intended to cover the wide range of excursions which are arranged by school authorities. It would include trips where the vehicle leaves and returns to the school on the same day, as well as excursions which last over a period of days or weeks. It would also include journeys between different educational establishments.
12. Both subsections (2) and (3) refer to the “sole purpose” of the transport service being to carry pupils, and therefore in determining whether a service falls within these definitions its essential purpose must be considered. For example, a transport service which is provided for the purpose of carrying both members of the general public as well as school children, even if in practice the service carries mainly school children, would be excluded from the ambit of the Act.