

# **SEAT BELTS ON SCHOOL TRANSPORT (SCOTLAND) ACT 2017**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 3 – Meaning of other key terms***

13. This section defines other key terms that appear in the Act.
14. The definition of “motor vehicle” is imported from section 185 of the Road Traffic Act 1988, i.e. “a mechanically propelled vehicle intended or adapted for use on roads”. The 1988 Act was the source from which legislative competence was devolved in the express terms of the 2015 Order mentioned in paragraph 3 above.
15. The definition of “school authority” is a tripartite one, comprising education authorities (i.e. local authorities constituted under section 2 of the Local Government etc. (Scotland) Act 1994), the managers of grant-aided schools and the proprietors of independent schools – thus all three kinds of school in Scotland are covered by the Act. Those and other terms in this Act which appear in the Education (Scotland) Act 1980 are collated in subsection (2) of this section. The term “school education” includes early learning and childcare as well as primary and secondary education: therefore pupils in nursery classes or at nursery schools are covered by this Act, if their transport falls within section 1. That is, for such nursery pupils, if it is a “school authority” (as defined) that provides or arranges their dedicated school transport service.
16. The effect of the definition of “seat belt” is simply to apply the existing UK law on the requirements for the types and design of seat belts that must be fitted in different classes of motor vehicles. This application without alteration is made necessary by the technical standards restriction on legislative competence mentioned in paragraph 4 above. The existing UK law is contained in the Road Vehicles (Construction and Use) Regulations 1986 ( [S.I. 1986/1078](#) ) ( “the 1986 Regulations” ), which were respectively made and amended under the two powers in the Road Traffic Acts referred to in the definition of “seat belt” in section 3 here.
17. Regulation 47 of the 1986 Regulations sets out the range of options for which kind of seat belt must be fitted in particular classes of vehicle. There are four main kinds that appear in Regulation 47: three-point belts, lap belts, child restraints and disabled person’s belts. In addition, inertia reel belts are specified as a type of three-point belt, and retractable lap belts as a type of lap belt. The 1986 Regulations also prescribe detailed technical requirements for the construction, installation and maintenance of seat belts, requirements which are not reproduced in this Act but represent the relevant law currently in force.