

SEAT BELTS ON SCHOOL TRANSPORT (SCOTLAND) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 5 – Guidance on wearing of seat belts

20. Subsection (1) of this section imposes a duty on the Scottish Ministers to produce guidance about the kinds of actions which a school authority may take to promote and to assess the wearing of seat belts by pupils on its dedicated school transport services, with subsection (2) placing a corresponding duty on school authorities to have regard to such guidance, as representing best practice in this area. If school authorities depart from the guidance then they would have to show that it was reasonable in all the circumstances to do so.
21. The guidance could for instance advise that, if circumstances allow, it may be best practice for monitors to be on buses to ensure that seat belts are worn; alternatively it might recommend that school authorities engage in an education programme with children to promote the wearing of seat belts.
22. Subsection (3) provides that before publishing the guidance, Ministers are required to consult bodies representative of school authorities (this would include, for example, the Scottish Council of Independent Schools), and also to consult such others as Ministers consider appropriate.