

SEAT BELTS ON SCHOOL TRANSPORT (SCOTLAND) ACT 2017

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 6 - Commencement

23. Subsection (1) of this section provides that this section and sections 2, 3 and 6 come into force on the day after Royal Assent. The remainder of the Act comes into force on the day or days appointed by the Scottish Ministers in regulations made under subsection (2).
24. Subsection (3) provides that generally commencement regulations under subsection (2) which make provision in relation to section 1 may not appoint a day later than 31 December 2018: the effect is to set that date as the deadline by which the Scottish Ministers must bring into force the duty imposed by section 1 of the Act. However there is an exception to this in relation to school authorities which had already, before the Act gained Royal Assent, entered into contracts for dedicated school transport for secondary school pupils which did not include a requirement for seat belts to be fitted. In respect of those school authorities only, the ultimate deadline for Ministers to make commencement regulations will be 31 August 2021.
25. Subsection (4)(a) provides that these commencement regulations may also include transitional, transitory or saving provision. It should be noted that these aspects are not substantive powers but are dependent on commencement. Subsection (4)(b) provides that the regulations may appoint different days for different purposes. For instance this would, subject to subsection (3), allow the duty in section 1 to be brought into force for primary school children at a different point in time to secondary school children.