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Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh

Seat Belts on School Transport (Scotland) Bill at Stage 1



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Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on:

- (a) any—
 - (i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;
 - (ii) [deleted]
 - (iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;
- (b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;
- (c) general questions relating to powers to make subordinate legislation;
- (d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;
- (e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;
- (f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;
- (g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and
- (h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.
- (i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



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Introduction

1. At its meeting on 14 March 2017, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Seat Belts on School Transport (Scotland) Bill at Stage 1 ("the Bill")ⁱ. The Committee submits this report to the lead committee for the Bill under Rule 9.6.2 of Standing Orders.
2. The Scottish Government has produced a Delegated Powers Memorandum ("DPM")ⁱⁱ on the delegated powers provisions in the Bill. The DPM sets out the reasoning for taking the delegated power.

i Seat Belts on School Transport (Scotland) Bill [as introduced] is available here:
<http://www.parliament.scot/Seat%20Belts%20on%20School%20Transport/SPBill07S052017.pdf>

ii Seat Belts on School Transport (Scotland) Bill Delegated Powers Memorandum is available here: http://www.parliament.scot/Seat%20Belts%20on%20School%20Transport/DPM_Seatbelts_pdf.pdf

Overview of the Bill

3. This Members Bill was introduced on 28 February 2017 by Gillian Martin MSP. The Bill has the support of the Scottish Government. The lead Committee is the Rural Economy and Connectivity Committee.
4. Legislative competence to regulate the description of motor vehicles which are used to transport pupils to and from school was devolved to the Scottish Parliament following the passing by the Westminster Parliament of the Scotland Act 1998 (Modification of Schedule 5) Order 2015 (S.I. 2015/1379).
5. The stated objective of the Bill is to improve road safety for school children. Section 1 creates an obligation on a “school authority” to ensure that a seat belt is fitted to each passenger seat of all motor vehicles which the authority provides or arranges to be provided for a “dedicated school transport service”.
6. A “dedicated school transport service” means a transport service provided for the sole purpose of carrying pupils for the whole or part of the journey to and/or from the pupils’ homes and any educational establishment where primary or secondary education is provided for the pupils.
7. Section 3 defines a number of terms, including the term “school authority”. This covers an education authority, the managers of grant-aided schools and the proprietors of independent schools. The Bill therefore covers all types of school in Scotland.
8. The Bill also creates a duty in section 4 on a school authority to prepare an annual compliance statement containing information about the steps which the authority has taken to comply with the duty in section 1. The school authority must publish this statement in a manner which it considers appropriate as soon as reasonably practicable after the end of each annual period.

Delegated powers provisions

9. At its meeting on 14 March 2017, the Committee considered the one power in the Bill conferred upon the Scottish Ministers, which is as follows:
 - Section 5 - Commencement regulations
10. The power to make commencement regulations relates to the substantive duties in sections 1 and 4 of the Bill. The DPM explains that this allows for school authorities and transport providers to have time to adjust to the duty in section 1 to have seat belts fitted on dedicated school transport.
11. The Committee is content with the power in section 5.

Recommendations

The Committee finds the commencement power in section 5 of the Bill to be acceptable in principle and is content that regulations made under this section will be laid before the Parliament but will not be subject to any further Parliamentary procedure.

