

**Changes to legislation:** Education Act 2002, SCHEDULE 19 is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 19

Section 199

#### TRANSPORT FOR PERSONS OVER COMPULSORY SCHOOL AGE

1 The Education Act 1996 is amended as follows.

##### Commencement Information

- I1** Sch. 19 partly in force; Sch. 19 not in force at Royal assent see s. 216; Sch. 19 in force for E. at 20.1.2003 by [S.I. 2002/2952, art. 2](#)
- I2** Sch. 19 para. 1 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952, art. 2](#)
- I3** Sch. 19 para. 1 in force at 1.9.2003 for W. by [S.I. 2003/1718, art. 5](#), [Sch. Pt. II](#)

<sup>F12</sup> .....

##### Textual Amendments

- F1** Sch. 19 para. 2 repealed (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\), s. 28\(2\), Sch. 2](#); [S.I. 2009/371, art. 2\(2\), Sch. Pt. 2](#)

3 After section 509 there is inserted—

#### “509AA Provision of transport etc. for persons of sixth form age

- (1) A [<sup>F2</sup>local authority] shall prepare for each academic year a transport policy statement complying with the requirements of this section.
- (2) The statement shall specify the arrangements for the provision of transport or otherwise that the authority consider it necessary to make for facilitating the attendance of persons of sixth form age receiving education or training—
- at schools,
  - at any institution maintained or assisted by the authority which provides further education or higher education (or both),
  - at any institution within the further education sector, or
  - at any establishment (not falling within paragraph (b) or (c)) which is supported by the Learning and Skills Council for England or the National Council for Education and Training for Wales.
- (3) The statement shall specify the arrangements that the authority consider it necessary to make for the provision of financial assistance in respect of the reasonable travelling expenses of persons of sixth form age receiving education or training at any establishment such as is mentioned in subsection (2).
- (4) The statement shall specify the arrangements proposed to be made by the governing bodies of—

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- (a) schools maintained by the authority at which education suitable to the requirements of persons over compulsory school age is provided, and
  - (b) institutions within the further education sector in the authority's area,

for the provision of transport for facilitating the attendance of persons of sixth form age receiving education or training at the schools and institutions and for the provision of financial assistance in respect of the travelling expenses of such persons.
- (5) Those governing bodies shall co-operate in giving the <sup>F2</sup>local authority] any information and other assistance that is reasonably required by the authority for the performance of their functions under this section and section 509AB.
- (6) The statement shall specify any travel concessions (within the meaning of Part 5 of the Transport Act 1985 (c. 67)) which are to be provided under any scheme established under section 93 of that Act to persons of sixth form age receiving education at any establishment such as is mentioned in subsection (2) above in the authority's area.
- (7) The authority shall—
  - (a) publish the statement, in a manner which they consider appropriate, on or before 31st May in the year in which the academic year in question begins, and
  - (b) make, and secure that effect is given to, any arrangements specified under subsections (2) and (3).
- (8) Nothing in this section prevents a <sup>F2</sup>local authority] from making, at any time in an academic year, arrangements—
  - (a) which are not specified in the transport policy statement published by the authority for that year, but
  - (b) which they have come to consider necessary for the purposes mentioned in subsections (2) and (3).
- (9) The Secretary of State may, if he considers it expedient to do so, direct a <sup>F2</sup>local authority] to make for any academic year—
  - (a) arrangements for the provision of transport or otherwise for facilitating the attendance of persons of sixth form age receiving education or training at establishments such as are mentioned in subsection (2), or
  - (b) arrangements for providing financial assistance in respect of the reasonable travelling expenses of such persons,

which have not been specified in the transport policy statement published by the authority for that academic year.
- (10) The Secretary of State may by order amend subsection (7)(a) by substituting a different date for 31st May.”

#### Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)

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#### Commencement Information

- I4** Sch. 19 partly in force; Sch. 19 not in force at Royal Assent, see s. 216; Sch. 19 in force for E. at 20.1.2003 by [S.I. 2002/2953](#), [art. 2](#)
- I5** Sch. 19 para. 3 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#)
- I6** Sch. 19 para. 3 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

4 After section 509AA there is inserted—

#### “509AB Further provision about transport policy statements

- (1) A statement prepared under section 509AA shall state to what extent arrangements specified in accordance with subsection (2) of that section include arrangements for facilitating the attendance at establishments such as are mentioned in that subsection of disabled persons and persons with learning difficulties.
- (2) A statement prepared under that section shall—
- (a) specify arrangements for persons receiving full-time education or training at establishments other than schools maintained by the [<sup>F2</sup>local authority] which are no less favourable than the arrangements specified for pupils of the same age attending such schools, and
  - (b) specify arrangements for persons with learning difficulties receiving education or training at establishments other than schools maintained by the authority which are no less favourable than the arrangements specified for pupils of the same age with learning difficulties attending such schools.
- (3) In considering what arrangements it is necessary to make for the purposes mentioned in subsections (2) and (3) of section 509AA the [<sup>F2</sup>local authority] shall have regard (amongst other things) to—
- (a) the needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made,
  - (b) the need to secure that persons in their area have reasonable opportunities to choose between different establishments at which education or training is provided,
  - (c) the distance from the homes of persons of sixth form age in their area of establishments such as are mentioned in section 509AA(2) at which education or training suitable to their needs is provided, and
  - (d) the cost of transport to the establishments in question and of any alternative means of facilitating the attendance of persons receiving education or training there.
- (4) In considering whether or not it is necessary to make arrangements for those purposes in relation to a particular person, a [<sup>F2</sup>local authority] shall have regard (amongst other things)—
- (a) to the nature of the route, or alternative routes, which he could reasonably be expected to take; and
  - (b) to any wish of his parent for him to be provided with education or training at a school, institution or other establishment in which the

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religious education provided is that of the religion or denomination to which his parent adheres.

- (5) In preparing a statement under section 509AA a [F<sup>2</sup>local authority] shall have regard to any guidance issued by the Secretary of State under this section.
- (6) In preparing a statement under that section a [F<sup>2</sup>local authority] shall consult—
- (a) any other [F<sup>2</sup>local authority] that they consider it appropriate to consult,
  - (b) the governing bodies mentioned in subsection (4) of that section,
  - (c) the Learning and Skills Council for England (in the case of a [F<sup>2</sup>local authority] in England) or the National Council for Education and Training for Wales (in the case of a [F<sup>2</sup>local authority] in Wales), and
  - (d) any other person specified by the Secretary of State for the purposes of this section.
- (7) In preparing a statement under that section a [F<sup>2</sup>local authority] shall also consult—
- (a) where they are the [F<sup>2</sup>local authority] for a district in a metropolitan county, the Passenger Transport Authority for that county, and
  - (b) where they are the [F<sup>2</sup>local authority] for a London borough or the City of London, Transport for London.”

#### Textual Amendments

**F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)

#### Commencement Information

- I7** Sch. 19 partly in force; Sch. 19 not in force at Royal Assent, see s. 216; Sch. 19 in force for E. at 30.1.2003 by [S.I. 2002/2952](#), [art. 2](#)
- I8** Sch. 19 para. 4 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#)
- I9** Sch. 19 para. 4 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

5 After section 509AB there is inserted—

#### “509AC Interpretation of sections 509AA and 509AB

- (1) For the purposes of sections 509AA and 509AB a person receiving education or training at an establishment is of sixth form age if he is over compulsory school age but—
- (a) is under the age of 19, or
  - (b) has begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.
- (2) References in section 509AA to an establishment supported by the Learning and Skills Council for England are to any establishment at which education or training is provided by a person to whom that Council secures the

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provision of financial resources in any of the ways mentioned in section 5(2) of the Learning and Skills Act 2000.

- (3) References in section 509AA to an establishment supported by the National Council for Education and Training for Wales are to any establishment at which education or training is provided by a person to whom that Council secures the provision of financial resources in any of the ways mentioned in section 34(2) of the Learning and Skills Act 2000.
- (4) References in section 509AB to persons with learning difficulties are to be construed in accordance with section 13(5) and (6) of the Learning and Skills Act 2000.
- (5) In sections 509AA and 509AB and this section—  
“academic year” means any period commencing with 1st August and ending with the next 31st July;  
“disabled person” has the same meaning as in the Disability Discrimination Act 1995;  
“establishment” means an establishment of any kind, including a school or institution;  
“governing body”, in relation to an institution within the further education sector, has the same meaning as in the Further and Higher Education Act 1992.
- (6) The Secretary of State may by order amend the definition of “academic year” in subsection (5).”

#### Commencement Information

- I10** Sch. 19 partly in force; Sch. 19 not in force at Royal Assent, see s. 216; Sch. 19 in force for E. at 30.1.2003 by [S.I. 2002/2952](#), [art. 2](#)
- I11** Sch. 19 para. 5 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#)
- I12** Sch. 19 para. 5 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

- 6 In section 509A (travel arrangements for children receiving nursery education otherwise than at school), after subsection (4) there is inserted—

“(4A) Regulations may require a [<sup>F2</sup>local authority] to publish, at such times and in such manner as may be prescribed, such information as may be prescribed with respect to the authority’s policy and arrangements relating to the making of provision under this section.”

#### Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [art. 1](#), [Sch. 2 para. 11\(2\)](#)

#### Commencement Information

- I13** Sch. 19 partly in force; Sch. 19 not in force at Royal Assent, see s. 216; Sch. 19 in force for E. at 30.1.2003 by [S.I. 2002/2952](#), [art. 2](#)
- I14** Sch. 19 para. 6 in force at 20.1.2003 except in relation to W. by [S.I. 2002/2952](#), [art. 2](#)
- I15** Sch. 19 para. 6 in force at 1.9.2003 for W. by [S.I. 2003/1718](#), [art. 5](#), [Sch. Pt. II](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)