



# Learner Travel (Wales) Measure 2008

2008 nawm 2

## *General*

### 24 General interpretation

(1) In this Measure—

“academic year” (*“blwyddyn academaidd”*) means any period from 1 August to 31 July;

“disability” (*“anabledd”*) and “disabled person” (*“person anabl”*) have the same meaning as in section 1 of the Disability Discrimination Act 1995 (c. 50);

“education” (*“addysg”*) does not include higher education;

“learning difficulty” (*“anhawster dysgu”*) in respect of a person means—

- (a) a significantly greater difficulty in learning than the majority of persons of the same age, or
- (b) a disability which either prevents or hinders that person from using facilities of a kind provided at relevant places,

but a person is not to be taken as having a learning difficulty solely because the language (or form of the language) in which the person is taught or will be taught is different from a language (or form of a language) which has at any time been spoken in the person’s home;

“local authority” (*“awdurdod lleol”*) means a local education authority in Wales; but in any reference to a child looked after by a local authority it means a council of a county or county borough in Wales exercising social services functions within the meaning of the Local Authority Social Services Act 1970 (c. 42);

“maintained school” (*“ysgol a gynhelir”*) means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“non-maintained special school” (*“ysgol arbennig nas cynhelir”*) means a school approved under section 342 of the Education Act 1996;

“nursery education” (*“addysg feithrin”*) means education suitable for children who have not attained compulsory school age;

“prescribed” (*“rhagnodi”*) means prescribed in regulations;

“regulations” (*“rheoliadau”*) means regulations made by the Welsh Ministers;

“work experience” (*“profiad gwaith”*) means work experience arranged for—

(a) a registered pupil of a maintained school or a pupil referral unit, or

(b) a student enrolled at an institution within the further education sector,

by, or on behalf of, the governing body of the relevant educational institution.

- (2) References in this Measure to a child who is looked after by a local authority have the same meaning as they have in section 22(1) of the Children Act 1989 (c. 41).
- (3) Subject to subsection (4), the Education Act 1996 and the provisions of this Measure are to be read as if those provisions were contained in the Education Act 1996.
- (4) Where an expression is given for the purposes of any provision of this Measure a meaning different from that given to it for the purposes of the Education Act 1996, the meaning given for the purposes of that provision is to apply instead of the one given for the purposes of that Act.

## **25 Minor and consequential amendments**

Schedule 1 contains minor and consequential amendments relating to the provisions made by this Measure.

## **26 Repeals**

The enactments specified in Schedule 2 are repealed to the extent specified.

## **27 Orders and regulations**

- (1) Any power of the Welsh Ministers to make an order or regulations under this Measure is exercisable by statutory instrument.
- (2) Any power of the Welsh Ministers to make an order or regulations under this Measure includes power—
  - (a) to make different provision for different cases or areas;
  - (b) to make provision generally or in relation to specific cases;
  - (c) to make such incidental, supplementary, transitional or saving provision as the Welsh Ministers think fit.
- (3) The power of the Welsh Ministers to make regulations under section 3(9), 7 or 8 also includes power to make such consequential provision as the Welsh Ministers think fit.
- (4) The incidental, supplementary, transitional, saving or consequential provision to be made in regulations may include such provision that amends or repeals any provision of—
  - (a) this Measure or any other Measure of the National Assembly for Wales passed before or in the same Assembly year as this Measure;
  - (b) an Act passed before the passing of this Measure;
  - (c) subordinate legislation made before the passing of this Measure.
- (5) Any statutory instrument containing regulations made under this Measure is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

- (6) Subsection (5) does not apply to regulations to which subsection (7) applies.
- (7) A statutory instrument which contains (alone or with other provisions)—
- (a) regulations under section 3(9),
  - (b) regulations under section 7,
  - (c) regulations under section 8,
  - (d) regulations under section 14(14)(a), or
  - (e) regulations under subsection (4) which amend or repeal any provision of an Act or Assembly Measure,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

## **28 Commencement**

- (1) The following provisions come into force at the end of a period of two months beginning on the day on which this Measure is approved by Her Majesty in Council—
- this section;
  - section 27;
  - section 29.
- (2) The remaining provisions of this Measure come into force in accordance with provision made by the Welsh Ministers by order.

## **29 Short title and inclusion of Measure within the Education Acts**

- (1) This Measure may be cited as the Learner Travel (Wales) Measure 2008.
- (2) This Measure is to be included in the list of Education Acts set out in section 578 of the Education Act 1996.