



Learner Travel (Wales) Measure 2008

2008 nawm 2

Main terms

1 Main terms used in this Measure

- (1) This section applies for the purposes of this Measure.
- (2) “Travel arrangements” are travel arrangements of any description and include—
 - (a) the provision of transport;
 - (b) the provision of one or more persons to escort a child when travelling;
 - (c) the payment of the whole or any part of a person's reasonable travelling expenses;
 - (d) the payment of allowances in respect of the use of particular modes of travel.
- (3) “Learners” means persons who receive education or training.
- (4) The following are “relevant places”—
 - (a) maintained schools;
 - (b) institutions in the further education sector;
 - (c) independent schools named in ^[F1]statements maintained under section 324 of the Education Act 1996 (c. 56) ^[F1]individual development plans maintained under section 14 or 19 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 ^[F1];
 - (d) non-maintained special schools;
 - (e) pupil referral units;
 - (f) places other than pupil referral units where education is arranged under section ^[F2]19(1) ^[F2]19A(1) of the Education Act 1996;
 - (g) places where education or training funded by the Welsh Ministers under section 34(1) of the Learning and Skills Act 2000 (c. 21) is provided;
 - (h) ^[F3]institutions where education and training and boarding accommodation have been secured by the Welsh Ministers under section 41 of the Learning and Skills Act 2000 ^[F3]independent special post-16 institutions within the meaning given by section 56 of the Additional Learning Needs and Education

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- Tribunal (Wales) Act 2018 which are named in individual development plans maintained under section 14 or 19 of that Act];
- (i) places where nursery education is provided—
 - (i) by a local authority, or
 - (ii) by any other person who is in receipt of financial assistance given by a local authority under arrangements made by them in pursuance of the duty imposed by section 118 of the School Standards and Framework Act 1998 (c. 31);
 - (j) places where work experience is undertaken.

Textual Amendments

- F1** Words in s. 1(4)(c) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 14(2)(a)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3** (with arts. 4-23) (as amended by S.I. 2021/1428, **art. 2**); S.I. 2021/1244, **art. 3** (with arts. 4-21) (as amended by S.I. 2021/1428, **art. 3**); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3
- F2** Word in s. 1(4)(f) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 10**
- F3** S. 1(4)(h) substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 14(2)(b)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3** (with arts. 4-23) (as amended by S.I. 2021/1428, **art. 2**); S.I. 2021/1244, **art. 3** (with arts. 4-21) (as amended by S.I. 2021/1428, **art. 3**); S.I. 2021/1245, arts. 3, 4 (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, 3 (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, 3

Commencement Information

- I1** S. 1(1)-(3)(4)(a)-(i) in force at 6.3.2009 by [S.I. 2009/371](#), **Sch. Pt. 1**
- I2** S. 1(4)(j) in force for specified purposes at 30.10.2009 by [S.I. 2009/371](#), **art. 2(1)(a)**
- I3** S. 1(4)(j) in force for specified purposes at 30.10.2009 by [S.I. 2009/2819](#), **art. 2(1)(a)**

Learner travel arrangements

2 Duty to assess learner travel needs

- (1) This section applies in relation to—
- (a) learners who have not attained the age of 19;
 - (b) learners who have attained the age of 19 who have begun a course of education or training before attaining that age and continue to attend that course;
 - (c) such other learners as may be prescribed.
- (2) In each academic year, a local authority must assess the learner travel needs of their area for the following academic year. But this duty is subject to the provisions of section 5.

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- (3) For the purposes of subsection (2), the “learner travel needs” of a local authority's area are the needs of learners who are ordinarily resident in the authority's area for suitable travel arrangements each day to and from the relevant places where they receive education or training.
- (4) In making an assessment under subsection (2) a local authority must have regard in particular to—
- (a) the needs of learners who are disabled persons,
 - (b) the needs of learners with learning difficulties,
 - (c) the needs of learners who are children looked after, or formerly looked after, by a local authority,
 - (d) the age of learners, and
 - (e) the nature of the routes which learners could reasonably be expected to take to the relevant places where they receive education or training.

Commencement Information

I4 S. 2 in force at 6.3.2009 by [S.I. 2009/371](#), [Sch. Pt. 1](#)

3 Local authority duty to make transport arrangements

- (1) This section applies in relation to a child of compulsory school age if—
- (a) the child is ordinarily resident in a local authority's area,
 - (b) the circumstances set out in an entry in column 1 of the following table apply to the child, and
 - (c) the condition, or all of the conditions, set out in the corresponding entry in column 2 of the table are met in relation to the child.
- (2) The local authority must make suitable transport arrangements to facilitate the attendance of the child each day at the relevant places where the child receives education or training. But this duty is subject to the provisions of section 5.

TABLE

Column 1	Column 2
Circumstances	Condition(s)
The child is receiving primary education at— <ul style="list-style-type: none">(a) a maintained school,(b) a pupil referral unit,(c) an independent school ^[F4]named in a statement maintained for the child under section 324 of the Education Act 1996^[F4] or other institution named in an individual development plan maintained for the child under section 14 of the Additional Learning Needs and	<ul style="list-style-type: none">(a) The child is ordinarily resident at a place 2 miles (3.218688 kilometres) or more from the school or unit.(b) No arrangements have been made by the local authority for enabling the child to become a registered pupil at—<ul style="list-style-type: none">(i) a suitable maintained school,(ii) a suitable pupil referral unit,(iii) an independent school ^[F5]named in a statement maintained for the child under section 324 of the Education Act 1996^[F5] or other institution named in an individual

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Education Tribunal (Wales) Act 2018], or
(d) a non-maintained special school, at which the child is a registered pupil.

The child is receiving secondary education at—

- (a) a maintained school,
- (b) a pupil referral unit,
- (c) an independent school [F4] named in a statement maintained for the child under section 324 of the Education Act 1996[F4] or other institution named in an individual development plan maintained for the child under section 14 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018], or
- (d) a non-maintained special school, at which the child is a registered pupil.

The child is receiving education or training at an institution in the further education sector at which the child is enrolled as a full-time student.

The child—

- (a) is a registered pupil at a maintained school, and

development plan maintained for the child under section 14 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018], or

- (iv) a suitable non-maintained special school,

nearer to the place where the child is ordinarily resident.

(c) No arrangements have been made by the local authority for suitable boarding accommodation for the child at or near the school or unit.

(a) The child is ordinarily resident at a place 3 miles (4.828032 kilometres) or more from the school or unit.

(b) No arrangements have been made by the local authority for enabling the child to become a registered pupil at—

- (i) a suitable maintained school,
- (ii) a suitable pupil referral unit,
- (iii) an independent school [F5] named in a statement maintained for the child under section 324 of the Education Act 1996[F5] or other institution named in an individual development plan maintained for the child under section 14 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018], or

- (iv) a suitable non-maintained special school,

nearer to the place where the child is ordinarily resident.

(c) No arrangements have been made by the local authority for suitable boarding accommodation for the child at or near the school or unit.

(a) The child is ordinarily resident at a place 3 miles (4.828032 kilometres) or more from the institution.

(b) No arrangements have been made by the local authority for enabling the child to become enrolled at a suitable institution nearer to the place where the child is ordinarily resident.

The child is ordinarily resident at a place 3 miles (4.828032 kilometres) or more from the relevant place.

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- (b) receives secondary education at a relevant place other than that school.

The secondary education referred to in paragraph (b) is education arranged—

- (i) by the local authority, or
- (ii) by, or on behalf of, the governing body of the school at which the child is a registered pupil.

The child is looked after by a local authority and is receiving primary education at—

- (a) a maintained school,
- (b) a pupil referral unit,
- (c) an independent school [^{F6}named in a statement maintained for the child under section 324 of the Education Act 1996]^{F6} or other institution named in an individual development plan maintained for the child under section 19 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018], or
- (d) a non-maintained special school, at which the child is a registered pupil.

The child is ordinarily resident at a place 2 miles (3.218688 kilometres) or more from the school or unit.

The child is looked after by a local authority and is receiving secondary education at—

- (a) a maintained school,
- (b) a pupil referral unit,
- (c) an independent school [^{F6}named in a statement maintained for the child under section 324 of the Education Act 1996]^{F6} or other institution named in an individual development plan maintained for the child under section 19 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018], or
- (d) a non-maintained special school, at which the child is a registered pupil.

The child is ordinarily resident at a place 3 miles (4.828032 kilometres) or more from the school or unit.

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- (3) The local authority must not charge a child or a parent who is an individual for any transport arrangements made in accordance with this section.
 - (4) Transport arrangements made in accordance with this section may include—
 - (a) the provision of transport;
 - (b) the payment of the whole, but not part, of a child's transport expenses.
 - (5) For the purposes of subsection (2), transport arrangements are not suitable if—

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- (a) they cause unreasonable levels of stress for the child,
 - (b) they take an unreasonable amount of time, or
 - (c) they are unsafe.
- (6) For the purposes of each paragraph (b) in the second column of the table in this section, the school, unit or institution is suitable for the child if the education or training provided there is suitable, having regard to the age, ability and aptitudes of the child and any learning difficulties he or she may have.
- (7) The distances mentioned in column 2 of the table in this section are to be measured by the shortest available route.
- (8) A route is “available” for the purposes of subsection (7) if—
- (a) it is safe for a child without a disability or learning difficulty to walk the route alone, or
 - (b) it is safe for such a child to walk the route with an escort, if the age of the child would call for the provision of an escort.
- (9) Regulations may prescribe circumstances and conditions for the purposes of paragraphs (b) and (c) of subsection (1); such regulations may amend the table or subsections (6), (7) and (8) (including repealing an entry in the table or those subsections).

Textual Amendments

- F4** Words in s. 3 substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 14(3)(a)(i)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3(o)(xvi)**; S.I. 2021/1244, **art. 3(o)(xvi)**; S.I. 2021/1245, arts. 3(o)(xvi), **4** (with art. 1(4)) (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, **3** (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, **3**
- F5** Words in s. 3 substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 14(3)(b)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3(o)(xvi)**; S.I. 2021/1244, **art. 3(o)(xvi)**; S.I. 2021/1245, arts. 3(o)(xvi), **4** (with art. 1(4)) (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, **3** (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, **3**
- F6** Words in s. 3 substituted (1.9.2021 for specified purposes, 1.1.2022 for specified purposes, 1.9.2022 for specified purposes) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 14(3)(a)(ii)**; S.I. 2021/373, arts. 3, 4, 6, 7 (as amended by S.I. 2021/938, **art. 2**); S.I. 2021/1243, **art. 3(o)(xvi)**; S.I. 2021/1244, **art. 3(o)(xvi)**; S.I. 2021/1245, arts. 3(o)(xvi), **4** (with art. 1(4)) (with art. 1(4)); S.I. 2022/891, **art. 3** (with arts. 4-25); S.I. 2022/892, arts. 2, **3** (with arts. 4-18); S.I. 2022/893, **art. 4**; S.I. 2022/894, **art. 3**; S.I. 2022/895, arts. 3, 4; S.I. 2022/896, **art. 3** (with arts. 1(7), 4-22); S.I. 2022/897, **art. 3** (with arts. 1(8), 4-21); S.I. 2022/898, arts. 2, **3**

Commencement Information

- I5** S. 3 in force at 1.9.2009 by S.I. 2009/371, **Sch. Pt. 2**

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4 Local authority duty to make other travel arrangements

- (1) This section applies in relation to a child of compulsory school age if—
 - (a) the child is receiving education or training at a relevant place,
 - (b) the child is ordinarily resident in a local authority's area, and
 - (c) the local authority consider that travel arrangements are necessary to facilitate the attendance of the child each day at the relevant place where the child receives education or training.
- (2) The local authority must make suitable travel arrangements to facilitate the attendance of the child each day at the relevant places where the child receives education or training. But this duty is subject to the provisions of section 5.
- (3) A local authority must not charge a child or a parent who is an individual for any travel arrangements made in accordance with subsection (2).
- (4) Travel arrangements made in accordance with subsection (2) may include the payment of the whole, but not part, of a child's travel expenses.
- (5) In considering whether travel arrangements are suitable for the purposes of this section, a local authority must have regard in particular to—
 - (a) the assessment they carry out in accordance with section 2(2);
 - (b) the transport arrangements they are under a duty to make for the child under section 3;
 - (c) the age of the child;
 - (d) any disability or learning difficulty of the child;
 - (e) the nature of the routes which the child could reasonably be expected to take.
- (6) For the purposes of this section, travel arrangements are not suitable if—
 - (a) they cause unreasonable levels of stress for the child,
 - (b) they take an unreasonable amount of time, or
 - (c) they are unsafe.
- (7) In considering whether travel arrangements are necessary for the purposes of this section a local authority—
 - (a) must have regard in particular to the matters specified in subsection (5);
 - (b) may have regard in particular to whether or not the child is attending the nearest suitable relevant place to the child's place of ordinary residence.
- (8) Subsection (7)(b) applies if—
 - (a) the child is not looked after by a local authority, and
 - (b) arrangements have been made by the local authority for enabling the child to attend a suitable relevant place nearer to the child's place of ordinary residence.
- (9) For the purposes of this section, a relevant place is suitable for a child if the education or training provided there is suitable, having regard to the age, ability and aptitudes of the child and any learning difficulties he or she may have.

Commencement Information

I6 S. 4 in force at 1.9.2009 by [S.I. 2009/371](#), [Sch. Pt. 2](#)

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5 Limits of learner travel duties

Section 2 does not require the assessment of learner travel needs and sections 3 and 4 do not require the making of travel arrangements—

- (a) for learners to travel during the day between relevant places or between different sites of the same institution, or
- (b) for any purpose other than attendance at a relevant place to receive education or training.

Commencement Information

- I7** S. 5 in force in so far as not already in force at 1.9.2009 by [S.I. 2009/371](#), [Sch. Pt. 2](#)
- I8** S. 5 in force for specified purposes at 6.3.2009 by [S.I. 2009/371](#), [Sch. Pt. 1](#)

6 Power of local authorities to make learner travel arrangements

- (1) This section applies in relation to a learner if—
 - (a) the learner is ordinarily resident in the local authority's area, or
 - (b) the learner receives education or training in the local authority's area.
- (2) The local authority may make travel arrangements to facilitate the attendance of the learner at a place where that person receives education or training.
- (3) A local authority may charge for travel arrangements made under this section for registered pupils of compulsory school age in accordance with the provisions of sections 455 and 456 of the Education Act 1996.
- (4) A local authority may charge for travel arrangements made under this section for other learners.

Commencement Information

- I9** S. 6 in force at 6.3.2009 by [S.I. 2009/371](#), [Sch. Pt. 1](#)

7 Travel arrangements for learners in post-16 education or training

- (1) This section applies in relation to learners ordinarily resident in Wales—
 - (a) who—
 - (i) are over compulsory school age but have not attained the age of 19, or
 - (ii) have attained the age of 19 and have begun a particular course of education or training before attaining that age and continue to attend that course; and
 - (b) who receive education or training—
 - (i) at a place in Wales, or
 - (ii) which is funded by the Welsh Ministers at a place outside Wales.
- (2) Regulations may make provision about travel arrangements for learners to and from the places where they receive education or training.
- (3) The regulations may in particular—
 - (a) confer powers or impose duties on the following—

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- (i) the Welsh Ministers;
- (ii) local authorities;
- (iii) institutions in the further education sector;
- (b) specify the kinds of place to and from which travel arrangements may or must be made;
- (c) specify the travel arrangements that may or must be made;
- (d) specify the matters that must be taken into account in making decisions about travel arrangements;
- (e) make provision about charges;
- (f) require any person to give any information or other assistance that is reasonably required by any other person in connection with the performance of the other person's functions under the regulations;
- (g) make provision about the standards of behaviour required of learners while travelling to and from the places where they receive education or training.

Commencement Information

I10 S. 7 in force at 1.9.2009 by [S.I. 2009/371](#), [Sch. Pt. 2](#)

8 Travel arrangements to and from nursery education

- (1) Regulations may make provision about travel arrangements for children under compulsory school age to and from the places where they receive nursery education.
- (2) The regulations may in particular—
 - (a) require a local authority to make travel arrangements;
 - (b) permit a local authority to make travel arrangements;
 - (c) specify the kinds of place to and from which travel arrangements may or must be made;
 - (d) specify the travel arrangements that may or must be made;
 - (e) specify the matters that must be taken into account in making decisions about travel arrangements;
 - (f) make provision about charges;
 - (g) require any person to give any information or other assistance that is reasonably required by the local authority in connection with the performance of the authority's functions under the regulations.

Commencement Information

I11 S. 8 in force at 1.9.2009 by [S.I. 2009/371](#), [Sch. Pt. 2](#)

9 Learner travel arrangements not to favour certain types of education or training

- (1) This section applies if arrangements under section 3, 4, or 6 are made in respect of learners of a description set out in an entry in column 1 of the following table.
- (2) Arrangements must also be made in accordance with those sections in respect of the learners of the description set out in the corresponding entry in column 2 of the table.

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- (3) The arrangements referred to in subsection (2) must be no less favourable than the arrangements referred to in subsection (1).

TABLE

Column 1	Column 2
Children of compulsory school age receiving education or training at maintained schools.	Children of the same age receiving education or training at other relevant places.
Learners over compulsory school age receiving full-time education or training at maintained schools.	Learners of the same age receiving full-time education or training at other relevant places.
Learners with learning difficulties receiving education or training at maintained schools.	Learners of the same age with learning difficulties receiving education or training at other relevant places.
Learners who have a disability receiving education or training at maintained schools.	Learners of the same age who have a disability receiving education or training at other relevant places.
Children looked after by a local authority receiving education or training at maintained schools.	Children of the same age who are looked after by a local authority receiving education or training at other relevant places.

Commencement Information

I12 S. 9 in force at 1.9.2009 by [S.I. 2009/371](#), [Sch. Pt. 2](#)

Promoting access to Welsh medium education

10 Promoting access to education and training through the medium of the Welsh language

Each local authority and the Welsh Ministers must promote access to education and training through the medium of the Welsh language when exercising functions under this Measure.

Commencement Information

I13 S. 10 in force at 6.3.2009 by [S.I. 2009/371](#), [Sch. Pt. 1](#)

Sustainable modes of travel

11 Sustainable modes of travel

- (1) Each local authority and the Welsh Ministers must promote the use of sustainable modes of travel when exercising functions under this Measure.

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- (2) “Sustainable modes of travel” are modes of travel which the authority or the Welsh Ministers (as the case may be) consider may improve either or both of the following—
- (a) the physical well-being of those who use them;
 - (b) the environmental well-being of—
 - (i) the whole or part of the local authority's area, in the case of an authority, or
 - (ii) the whole or part of Wales, in the case of the Welsh Ministers.

Commencement Information

I14 S. 11 in force at 6.3.2009 by [S.I. 2009/371](#), **Sch. Pt. 1**

Travel behaviour code

12 Travel behaviour code

- (1) The Welsh Ministers must make a travel behaviour code.
- (2) A travel behaviour code is a code setting out the standards of behaviour required of learners to whom subsection (3) applies while they are travelling to and from the relevant places where they receive education or training (whether or not they take advantage of travel arrangements made by a local authority).
- (3) This subsection applies to—
- (a) learners who have not attained the age of 19;
 - (b) learners who have attained the age of 19 who have begun a course of education or training before attaining that age and continue to attend that course;
 - (c) such other learners as may be prescribed.
- (4) The Welsh Ministers must review the travel behaviour code from time to time.
- (5) The Welsh Ministers must publish the code.
- (6) Before making or revising a code the Welsh Ministers must consult such persons as they consider appropriate.

Commencement Information

I15 S. 12 in force at 30.10.2009 by [S.I. 2009/371](#), **art. 2(1)(b)**

I16 S. 12 in force at 30.10.2009 by [S.I. 2009/2819](#), **art. 2(1)(b)**

13 Enforcement of travel behaviour code: pupils at relevant schools

- (1) Section 89 of the Education and Inspections Act 2006 is amended as follows.
- (2) In subsection (2), after “The head teacher” insert “ of a relevant school in England ”.
- (3) After subsection (2) insert—
- “(2A) The head teacher of a relevant school in Wales must in determining such measures—

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- (a) act in accordance with the current statement made by the governing body under section 88(2)(a),
 - (b) have regard to any notification or guidance given to him under section 88(2)(b), and
 - (c) require pupils at the school to comply with the travel behaviour code made by the Welsh Ministers under section 12 of the Learner Travel (Wales) Measure 2008.”
- (4) In subsection (3) for “The” substitute “ In relation to a relevant school in England, the ”.
- (5) After subsection (3) insert—
- “(3A) In relation to a relevant school in Wales, the standard of behaviour which is to be regarded as acceptable must be determined by the head teacher, so far as it is not determined by—
- (a) the governing body, or
 - (b) the Welsh Ministers.”
- (6) In subsection (5), after “head teacher” insert “ of a relevant school in England ”.
- (7) After subsection (5) insert—
- “(5A) The measures which the head teacher of a relevant school in Wales determines under subsection (1) may, to such extent as is reasonable and not required by subsection (2A)(c), include measures to be taken with a view to regulating the conduct of pupils at a time when they are not on the premises of the school and are not under the lawful control or charge of a member of the staff of the school.”

Commencement Information

I17 S. 13 in force at 4.1.2010 by S.I. 2009/2819, art. 2(2)(a)

14 Enforcement of travel behaviour code: withdrawal of travel arrangements

- (1) This section applies to learners for whom travel arrangements are made under section 3 or 4.
- (2) The local authority may withdraw travel arrangements made for a learner if—
 - (a) the authority is satisfied that the learner has failed to comply with the travel behaviour code made under section 12, and
 - (b) the following conditions applicable to the learner are satisfied.
- (3) All six of the following conditions apply to any learner who is a registered pupil at a relevant school.
- (4) The first, third and fourth of the following conditions apply to any learner who is not a registered pupil at a relevant school.
- (5) The first condition is that before any decision is taken to withdraw travel arrangements—
 - (a) the learner and the parent of the learner are given the opportunity to make representations, and

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- (b) those representations are considered by the local authority.
- (6) The second condition is that the head teacher of the relevant school at which the learner is a registered pupil—
 - (a) is consulted about the decision to withdraw travel arrangements; and
 - (b) is given notice of the decision at least 24 hours before the withdrawal takes effect.
- (7) The third condition is that the decision to withdraw travel arrangements is reasonable in the circumstances.
- (8) The fourth condition is that the local authority gives notice of the withdrawal of travel arrangements to the learner's parent at least 24 hours before the withdrawal takes effect.
- (9) The fifth condition is that the period of withdrawal does not exceed 10 consecutive school days.
- (10) The sixth condition is that the period of withdrawal would not result in the learner having travel arrangements withdrawn for more than 30 school days in the school year in which the withdrawal takes effect.
- (11) In determining whether a decision to withdraw travel arrangements is reasonable for the purposes of subsection (7), the following matters in particular must be taken into account—
 - (a) whether the period of withdrawal is proportionate in the circumstances of the case,
 - (b) any special circumstances relevant to the withdrawal of travel arrangements which are known to the local authority (or of which the authority ought to be aware) including in particular—
 - (i) the learner's age,
 - (ii) any [^{F7}learning difficulty] the learner may have,
 - (iii) any disability the learner may have,
 - (iv) whether the learner would lose an opportunity to take a public examination, and
 - (v) whether suitable alternative travel arrangements can reasonably be made by the learner's parent.
- (12) A notice under subsection (6) or (8) must be in writing and specify—
 - (a) the period for which travel arrangements are to be withdrawn, and
 - (b) the authority's reasons for withdrawal of the travel arrangements.
- (13) For the purposes of this section and section 17, a “relevant school” means—
 - (a) a maintained school,
 - (b) a pupil referral unit, or
 - (c) a non-maintained special school.
- (14) Regulations may—
 - (a) amend or repeal either or both of subsections (9) and (10);
 - (b) make provision for reviews of decisions under subsection (2);
 - (c) make provision for appeals from decisions under subsection (2).
- (15) Regulations under subsection (14)(c) may in particular—

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- (a) specify the categories of person who may appeal;
- (b) specify the circumstances in which appeals may be made;
- (c) provide for the constitution of appeals panels;
- (d) provide for appeal procedures;
- (e) make provision about the effect of appeal decisions;
- (f) provide for the payment of allowances to members of appeals panels;
- (g) require the provision of information about appeals.

Textual Amendments

F7 Words in s. 14(11)(b)(ii) substituted (1.9.2021) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), **Sch. 1 para. 14(4)**; S.I. 2021/373, art. 8(j)(xxvii)

Commencement Information

I18 S. 14 in force at 4.1.2010 by S.I. 2009/2819, **art. 2(2)(b)**

[^{F8}Safety on learner transport

Textual Amendments

F8 S. 14B and cross-heading inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\)](#), **ss. 2, 16(2)**

[^{F9}14A Requirement for seat belts on buses used for learner transport

- (1) A relevant body must ensure that every bus used for the learner transport it provides or otherwise secures is one that has a seat belt fitted to every passenger seat.
- (2) A person who provides learner transport secured by a relevant body must ensure that every bus used for such transport is one that has a seat belt fitted to every passenger seat.
- (3) A person who fails to comply with subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) It is a defence to show that the failure to comply with subsection (1) or (2) was justified by exceptional circumstances.
- (5) Nothing in this section is to be interpreted as setting technical standards for a vehicle's construction or equipment which differ from the standards that would or might otherwise apply to that vehicle by virtue of any enactment or [^{F10}requirement of [^{F11}assimilated direct] legislation].
- (6) In this section—
 - “bus” means a motor vehicle constructed or adapted to carry more than eight seated passengers in addition to the driver;
 - “enactment” means any of the following, whenever passed or made—
 - (a) an Act of Parliament;
 - (b) subordinate legislation made under an Act of Parliament;
 - (c) a provision of any such Act or subordinate legislation;

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“seat belt” means a belt intended to be worn by a person in a vehicle and designed to prevent or lessen injury to its wearer in the event of an accident to the vehicle.]

Textual Amendments

- F9** S. 14A inserted (1.10.2014) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\)](#), **ss. 1, 16(1)**
- F10** Words in s. 14A(5) substituted (31.12.2020) by [The Learner Travel \(Wales\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/236\)](#), regs. 1(2), 2; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in s. 14A(5) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Wales\) Regulations 2023 \(S.I. 2023/1332\)](#), regs. 1(2), 2

14B Further provision as to descriptions of vehicle that may be used for learner transport

- (1) Regulations may make further provision to—
- require a relevant body to ensure that only prescribed descriptions of vehicle are used for the learner transport it provides or otherwise secures;
 - require a person who provides learner transport secured by a relevant body to use only prescribed descriptions of vehicle;
 - provide for criminal offences and penalties for breaches of requirements imposed under this section.
- (2) Regulations under paragraphs (a) and (b) of subsection (1) may describe vehicles by reference to a vehicle's construction, equipment or other characteristics.]

[^{F12}14C Recording visual images or sound on learner transport

- (1) Regulations may—
- require prescribed arrangements to be made for recording visual images or sound of events occurring on the learner transport provided or otherwise secured by a relevant body;
 - make provision about the use, storage and retention of visual images or sound recorded on learner transport provided or secured by a relevant body;
 - provide for criminal offences and penalties for breaches of requirements imposed under this section.
- (2) Regulations under subsection (1) may (among other things) confer powers or duties on any of the following—
- a relevant body;
 - a person who provides learner transport secured by a relevant body.
- (3) Regulations under subsection (1) may not authorise or require recording to be carried out in a manner that is calculated to ensure that persons who are subject to it are unaware that it is or may be taking place.]

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Textual Amendments

F12 S. 14C inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\)](#), **ss. 3, 16(2)**

[^{F13}14D Safety risk assessment of learner transport

- (1) Regulations may require a relevant body to carry out safety risk assessments of the learner transport it provides or otherwise secures.
- (2) Regulations under subsection (1) may—
 - (a) impose requirements as to the nature of the assessment to be carried out;
 - (b) require the production and publication of reports;
 - (c) prescribe the form and manner of publication;
 - (d) prescribe the frequency of assessments.]

Textual Amendments

F13 S. 14D inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\)](#), **ss. 4, 16(2)**

[^{F14}14E Driver training

- (1) Regulations may require a relevant body that provides or otherwise secures the provision of learner transport to ensure that drivers of vehicles used for such transport have completed prescribed training to a prescribed standard.
- (2) Training and standards may be prescribed by reference to a document published, as specified in the regulations, by the Welsh Ministers.
- (3) In this section “training” means training about safety on learner transport and working with children.]

Textual Amendments

F14 S. 14E inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\)](#), **ss. 5, 16(2)**

[^{F15}14F Supervisors on learner transport

- (1) Regulations may make provision for the supervision of learners using learner transport provided or otherwise secured by a relevant body.
- (2) Regulations under subsection (1) may (among other things)—
 - (a) confer powers or impose duties on a relevant body;
 - (b) make provision about training for persons supervising learners.]

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Textual Amendments

F15 S. 14F inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\)](#), **ss. 6, 16(2)**

[^{F16}14G Civil sanctions

Schedule A1 has effect.]

Textual Amendments

F16 S. 14G inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\)](#), **ss. 7(1), 16(2)**

[^{F17}14H Enforcement authority

- (1) Regulations may appoint a person or body (including the Welsh Ministers) to be an enforcement authority.
- (2) More than one person or body may be appointed as an enforcement authority.
- (3) Regulations may confer powers or impose duties on an enforcement authority to enforce provision made by section 14A and by regulations under sections 14B and 14C and Schedule A1 and may (among other things)—
 - (a) confer power on an enforcement authority to authorise a person (referred to in this Measure as an “inspector”) to exercise the powers in sections 14I and 14J,
 - (b) make modifications to any enactment applying to the enforcement authority, or
 - (c) provide for any such enactment to apply, with or without modifications, for the purposes of section 14A and regulations under sections 14B and 14C, this section and Schedule A1.
- (4) References in this Measure to an enforcement authority are references to a person or body appointed under this section and include a person appointed by an enforcement authority.
- (5) In this section “enactment” includes—
 - (a) an enactment whenever passed or made,
 - (b) an enactment comprised in a Measure or Act of the National Assembly for Wales, and
 - (c) provision contained in subordinate legislation within the meaning of the Interpretation Act 1978 (including subordinate legislation made under a Measure or Act of the National Assembly for Wales).]

Textual Amendments

F17 S. 14H inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\)](#), **ss. 8, 16(2)**

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[^{F18}14I Power of entry

- (1) This section applies to—
 - (a) a vehicle or any premises owned or controlled by a relevant body;
 - (b) a vehicle or premises falling within subsection (2).
- (2) A vehicle or premises falling within this subsection are those—
 - (a) which are used, or proposed to be used, by any person in connection with the provision of learner transport provided or otherwise secured by a relevant body, or
 - (b) which an inspector reasonably believes to be so used, or proposed to be so used.
- (3) An inspector may at any reasonable time—
 - (a) detain a vehicle;
 - (b) enter a vehicle or premises.
- (4) But the power in subsection (3) does not include the power to enter premises used wholly or mainly as a private dwelling.
- (5) An inspector exercising any power conferred under subsection (3) or section 14J must, if so required, produce some duly authenticated document showing the inspector's authority to do so.]

Textual Amendments

F18 S. 14I inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\)](#), **ss. 9**, 16(2)

[^{F19}14J Power of inspection

- (1) An inspector who detains a vehicle or enters a vehicle or premises under section 14I may—
 - (a) inspect the vehicle or premises;
 - (b) inspect, take copies of and remove from the vehicle or premises any documents or records relating to the provision of learner transport;
 - (c) inspect any other item and remove it from the vehicle or premises.
- (2) The power in subsection (1)(b) includes—
 - (a) power to require any person holding or accountable for documents or records kept on the vehicle or premises to produce them, and
 - (b) in relation to records which are kept by means of a computer, power to require the records to be produced in a legible form which can be taken away.
- (3) The power in subsection (1)(b) does not include power—
 - (a) to require a person to produce any document or record in respect of which a claim to legal professional privilege could be maintained in legal proceedings, or
 - (b) to take copies of such a document or record or to remove it.
- (4) In connection with inspecting any such documents, an inspector—

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- (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he or she considers is or has been in use in connection with the documents, and
 - (b) may require a person within subsection (5) to afford him or her such reasonable assistance as may be required for that purpose.
- (5) A person is within this subsection if he or she is—
- (a) the person by whom or on whose behalf the computer is or has been used, or
 - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (6) An inspector detaining a vehicle or entering a vehicle or premises may require any person to afford him or her such facilities and assistance with respect to matters within the person's control as are necessary to enable him or her to exercise powers under section 14I or this section.
- (7) Any person who without reasonable excuse—
- (a) obstructs an inspector exercising any power under section 14I or this section, or
 - (b) fails to comply with any requirement imposed under this section,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.]

Textual Amendments

F19 S. 14J inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\)](#), **ss. 10**, 16(2)

[^{F20}14K Power to require provision of information

- (1) An enforcement authority may at any time require any person specified in subsection (2) to provide it with any information, documents, records or other items—
 - (a) which relate to the provision of learner transport, and
 - (b) which the enforcement authority consider necessary or expedient to have for the purpose of its functions as the enforcement authority.
- (2) The persons referred to in subsection (1) are—
 - (a) a relevant body;
 - (b) any person who provides learner transport secured by a relevant body.
- (3) The power in subsection (1) includes, in relation to information, documents or records kept by means of a computer, power to require provision of them in a legible form which can be taken away.
- (4) The power in subsection (1) does not include power to require the provision of information, documents or records in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (5) Any person who without reasonable excuse fails to comply with any requirement imposed by virtue of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.]

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Textual Amendments

F20 S. 14K inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\)](#), **ss. 11**, 16(2)

[^{F21}14L Offences: liability of officers and partners

- (1) Where an offence under section 14A, 14B or 14C committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the body corporate, regulations may provide for the officer to be liable as well as the body corporate itself.
- (2) Where an offence under section 14A, 14B or 14C committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner of the partnership, regulations may provide for the partner to be liable as well as the partnership itself.]

Textual Amendments

F21 S. 14L inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\)](#), **ss. 12**, 16(2)

[^{F22}14M Regulations: consultation

The Welsh Ministers must consult each local authority and such other persons as they consider appropriate before making any regulations under sections 14B to 14F, section 14H or 14L or Schedule A1.]

Textual Amendments

F22 S. 14M inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\)](#), **ss. 13**, 16(2)

[^{F23}14N Interpretation of sections 14A to 14K

- (1) This section applies for the purposes of sections 14A to 14K.
- (2) Each of the following is a “relevant body”—
 - (a) a local authority;
 - (b) a governing body of a maintained school.
- (3) “Learner transport ” means transport to facilitate the attendance of a child at any relevant place where he or she receives education or training; but it does not include transport provided for the purpose of travel during the day between relevant places or between different sites of the same institution.
- (4) The act of making any of the following arrangements is not to be considered, by itself, as providing or otherwise securing the provision of learner transport.
- (5) The arrangements mentioned in subsection (4) are—

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- (a) arrangements to pay the whole or any part of a person's reasonable travelling expenses;
 - (b) arrangements to pay allowances in respect of the use of transport.
- (6) The Welsh Ministers may by order amend subsection (3) so as to omit the words from “but it does not include” to the end of the subsection.]

Textual Amendments

F23 S. 14N inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\)](#), **ss. 14, 16(2)**

Supplementary

15 Guidance and directions

- (1) In exercising their functions under this Measure, the following bodies must have regard to guidance given from time to time by the Welsh Ministers —
- (a) local authorities;
 - (b) governing bodies of maintained schools;
 - (c) governing bodies of institutions in the further education sector.
- (2) A local authority must make such learner travel arrangements under section 3, 4 or 6 as the Welsh Ministers direct.
- (3) In making arrangements under section 3, 4 or 6 a local authority must comply with any directions given by the Welsh Ministers.
- (4) Directions under this section may be given to one or more local authorities or local authorities generally.

Commencement Information

I19 S. 15 in force at 6.3.2009 by [S.I. 2009/371](#), **Sch. Pt. 1**

16 Information about travel arrangements

Regulations may require a local authority to publish, at such times and in such manner as may be prescribed, information—

- (a) received while carrying out assessments under section 2(2);
- (b) about assessments made under that section;
- (c) about the travel arrangements made under this Measure;
- (d) about the travel behaviour code made under section 12.

Commencement Information

I20 S. 16 in force at 6.3.2009 by [S.I. 2009/371](#), **Sch. Pt. 1**

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17 Co-operation: information or other assistance

- (1) The governing body of a maintained school or an institution in the further education sector in Wales must give a local authority any information or other assistance that is reasonably required by them for the performance of their functions under this Measure.
- (2) A local authority must give another local authority any information or other assistance that is reasonably required by the other authority for the performance of their functions under sections 2, 3, 4 and 6.
- (3) A local authority must give the head teacher of a relevant school any information or other assistance that is reasonably required by the head teacher about the behaviour of a registered pupil of his or her school while the pupil was taking advantage of travel arrangements made by the local authority under this Measure.
- (4) A head teacher of a relevant school must give a local authority any information or other assistance that is reasonably required by the local authority for the performance of their functions under section 14.

Commencement Information

- I21** S. 17(1)(2) in force at 6.3.2009 by [S.I. 2009/371](#), [Sch. Pt. 1](#)
I22 S. 17(3) in force at 1.9.2009 by [S.I. 2009/371](#), [Sch. Pt. 2](#)
I23 S. 17(4) in force at 4.1.2010 by [S.I. 2009/2819](#), [art. 2\(2\)\(c\)](#)

18 Payment of travel costs by a local authority which looks after a child

- (1) This section applies where a local authority (“authority A”) makes travel arrangements under sections 3 or 4 for a child who is looked after by a local authority responsible for a different area (“authority B”).
- (2) Authority A may demand reimbursement from authority B for the full cost or part of the cost of making the travel arrangements.
- (3) Authority B must comply with the demand.

Commencement Information

- I24** S. 18 in force at 1.9.2009 by [S.I. 2009/371](#), [Sch. Pt. 2](#)

19 Determination of ordinary residence in particular circumstances

- (1) If a person has no ordinary residence, that person is to be treated for the purposes of this Measure as being ordinarily resident at the place at which he or she is for the time being resident.
- (2) Subsections (3) to (6) apply to a child or young person who is either—
 - (a) a registered pupil at a school, or
 - (b) enrolled as a full-time student at an institution in the further education sector.
- (3) This subsection applies to a child or young person—
 - (a) whose parents are not living together, and

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- (b) who usually lives with more than one parent in the periods during which the child or young person receives education or training.
- (4) This subsection applies to a child or young person who usually lives with a parent and also at a children's home in the periods during which the child or young person receives education or training.
- (5) For the purposes of this Measure—
 - (a) a child or young person to whom subsection (3) applies is ordinarily resident at the places where each of his or her parents is ordinarily resident;
 - (b) a child or young person to whom subsection (4) applies is ordinarily resident at the children's home and the place where his or her parent is ordinarily resident.
- (6) But if there are more than two such places, the child or young person is ordinarily resident at the two places nearest—
 - (a) the school at which the child or young person is a registered pupil, or
 - (b) the institution in the further education sector at which the child or young person is enrolled as a full-time student.
- (7) In this section—
 - [^{F24}(a) “children’s home” means premises at which—
 - (i) a care home service is provided wholly or mainly to children or young persons; or
 - (ii) a secure accommodation service is provided;and in this paragraph “care home service” and “secure accommodation service” have the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);]
 - (b) “parent” means a parent within the meaning of section 576(1) of the Education Act 1996 who is an individual.

Textual Amendments

F24 S. 19(7)(a) substituted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), regs. 2(1), **42**

Commencement Information

I25 S. 19 in force at 6.3.2009 by [S.I. 2009/371](#), **Sch. Pt. 1**

20 Amendments to section 444 of the Education Act 1996

- (1) Section 444 of the Education Act 1996 (school attendance) is amended as follows.
- (2) For subsection (4) substitute —
 - “(4) The child is not to be taken to have failed to attend regularly at the school if the parent proves that the local authority have failed to discharge—
 - (a) a duty to make transport arrangements in relation to the child under section 3 of the Learner Travel (Wales) Measure 2008, or
 - (b) a duty to make travel arrangements in relation to the child under section 4 of that Measure.”
- (3) In subsection (5) for “subsections (3D) and (4)” substitute “ subsection (3D) ”.

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Commencement Information

I26 S. 20 in force at 1.9.2009 by [S.I. 2009/371](#), [Sch. Pt. 2](#)

21 Amendments to the Education Act 2002

- (1) The Education Act 2002 is amended as follows.
- (2) Section 32 (fixing dates of terms and holidays and times of school sessions) is amended as follows—
 - (a) in subsection (1)(b) before “the governing body” insert “ subject to subsections (5) to (9), ”;
 - (b) in subsection (2)(b) before “the times” insert “ subject to subsections (5) to (9) ”;
 - (c) after subsection (4) insert—
 - “(5) Subsections (1)(b) and (2)(b) do not apply in relation to a school in Wales in the circumstances specified in subsection (6).
 - (6) The circumstances are—
 - (a) that the local education authority in whose area the school is situated have given notice in writing to the governing body of the school that the times of the school sessions are to be determined in accordance with subsection (8), and
 - (b) that the notice has not been withdrawn by the local education authority.
 - (7) A local education authority must not issue a notice of the kind mentioned in subsection (6)(a) unless they consider a change in the times of the sessions of that school to be necessary or expedient in order to—
 - (a) promote the use of sustainable modes of travel within the meaning of section 11 of the Learner Travel (Wales) Measure 2008, or
 - (b) improve the effectiveness or efficiency of travel arrangements made, or to be made, by the authority under that Measure.
 - (8) In relation to a school subject to a notice of the kind mentioned in subsection (6)(a)—
 - (a) where there are two school sessions on the relevant school day—
 - (i) the local education authority must determine the time each day at which the first school session starts and the second school session ends, and
 - (ii) the governing body must determine the time each day at which the first school session ends and the second school session starts;
 - (b) where there is one school session on the relevant school day the local education authority must determine the time each day at which the school session starts and ends.

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- (9) The Welsh Ministers may make provision by regulations—
- (a) as to the procedure to be followed where the local education authority propose to issue a notice of the kind mentioned in subsection (6)(a);
 - (b) as to the matters to be included in such a notice;
 - (c) as to the implementation of any determination under subsection (8);
 - (d) for enabling the local education authority to determine, for any purposes of the regulations, whether any person is to be treated as a parent of a registered pupil at the school.
- (10) In giving notice as described in subsection (6) and in discharging any function conferred by subsections (7) or (8) or by regulations under subsection (9), a local education authority must have regard to guidance given by the Welsh Ministers.”
- (3) In section 210 (orders and regulations)—
- (a) in subsection (1) for “the National Assembly for Wales” substitute “ the Welsh Ministers ”;
 - (b) after subsection (6) insert—
 - “(6A) Any statutory instrument containing regulations made under section 32(9) by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
 - (6B) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the National Assembly for Wales procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.”;
 - (c) in subsection (7)—
 - (i) for “the National Assembly for Wales” substitute “ the Welsh Ministers ”,
 - (ii) for “the Assembly thinks” in paragraph (c) substitute “ the Welsh Ministers think ”.

Commencement Information

I27 S. 21 in force at 6.3.2009 by [S.I. 2009/371](#), [Sch. Pt. 1](#)

22 Amendments to sections 455 and 456 of the Education Act 1996

- (1) The Education Act 1996 is amended as follows.
- (2) In section 455 (permitted charges)—
- (a) after subsection (1)(b) insert—
 - “(ba) travel arrangements provided under section 6 of the Learner Travel (Wales) Measure 2008 (“the Measure”) for a registered pupil at a maintained school in Wales, other than

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- arrangements in respect of which, by virtue of section 454(3) of this Act or sections 3 or 4 of the Measure, no charge may be made.”;
- (b) in subsection (1)(c) after “maintained school” insert “ in England ” and omit “or 509(2)”;
 - (c) at the end of subsection (2)(b) omit “or”;
 - (d) after subsection (2)(b) insert—
 - “(ba) by virtue of subsection (1)(ba) in respect of the provision for a pupil of travel arrangements, or”;
 - (e) in subsection (3) after “entry” insert “ travel arrangements, ”.
- (3) In section 456 (regulation of permitted charges), in subsection (3) after “A regulated charge” insert “ , except any charge permitted by virtue of section 455(1)(ba), ”.

Commencement Information

I28 S. 22 in force at 1.9.2009 by [S.I. 2009/371](#), [Sch. Pt. 2](#)

23 Amendments to the Education and Inspections Act 2006

- (1) The Education and Inspections Act 2006 is amended as follows.
- (2) In section 162 (power to repeal references to “local education authority”), after subsection (5) insert—
- “(5A) The Welsh Ministers may by order make such provision as appears to them to be appropriate for the purpose of—
- (a) repealing any reference in a Measure of the National Assembly for Wales to a local education authority (however expressed), and
 - (b) replacing it, where it appears to them to be appropriate, with a reference (however expressed) to a Welsh local authority.”
- (3) In section 181—
- (a) for subsection (1) substitute—
 - “(1) Any power of the Secretary of State or the Welsh Ministers to make an order or regulations under this Act is exercisable by statutory instrument.”;
 - (b) in subsection (2)—
 - (i) for “the Assembly”, the first time that expression appears, substitute “ the Welsh Ministers ”,
 - (ii) for “the Assembly thinks” in paragraph (c) substitute “ the Welsh Ministers think ”.
- (4) After section 182 insert—

“182A Assembly control of orders and regulations

- (1) Any statutory instrument containing an order made under section 162(5A) by the Welsh Ministers may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Assembly.

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- (2) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the Assembly procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the Assembly by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.”

Commencement Information

I29 S. 23 in force at 6.3.2009 by [S.I. 2009/371](#), [Sch. Pt. 1](#)

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 [^{F25}local 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 [^{F26}the Social Services and Well-being (Wales) Act 2014.]

“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

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- (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 ^{F27}section 74 of the Social Services and Well-being (Wales) Act 2014].
- (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.

Textual Amendments

- F25** Words in s. 24(1) substituted (5.5.2010) by [Local Education Authorities and Children's Services Authorities \(Integration of Functions\) \(Wales\) Order 2010 \(S.I. 2010/1148\)](#), arts. 1, 2
- F26** Words in s. 24(1) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(No. 413\)](#), regs. 2(1), **268(2)**
- F27** Words in s. 24(2) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(No. 413\)](#), regs. 2(1), **268(3)**

Commencement Information

- I30** S. 24 in force at 6.3.2009 by [S.I. 2009/371](#), **Sch. Pt. 1**

25 Minor and consequential amendments

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

Commencement Information

- I31** S. 25 in force for specified purposes at 1.9.2009 by [S.I. 2009/371](#), **Sch. Pt. 2**
- I32** S. 25 in force for specified purposes at 6.3.2009 by [S.I. 2009/371](#), **Sch. Pt. 1**

26 Repeals

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

Commencement Information

- I33** S. 26 in force for specified purposes at 30.10.2009 by [S.I. 2009/371](#), **art. 2(1)(c)**
- I34** S. 26 in force for specified purposes at 30.10.2009 by [S.I. 2009/2819](#), **art. 2(1)(c)**
- I35** S. 26 in force for specified purposes at 1.9.2009 by [S.I. 2009/371](#), **Sch. Pt. 2**
- I36** S. 26 in force for specified purposes at 6.3.2009 by [S.I. 2009/371](#), **Sch. Pt. 1**

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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 [^{F28}classes of case or different purposes or]areas;
 - [^{F29}(aa) make provision subject to specified exemptions or exceptions;]
 - (b) to make provision generally or in relation to specific cases[^{F30}or classes of case];
 - (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 ^{F31}...[^{F32}, 8, 14B, 14C, 14D, 14E, 14F, 14H or 14L or Schedule A1] also includes power to make such consequential provision as the Welsh Ministers think fit.

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- (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.

[^{F33}(4A) In the application of subsection (4) to regulations made under sections 14B to 14F, section 14H or 14L or Schedule A1 the reference to “this Measure” in subsection (4) is to be interpreted as a reference to the Safety on Learner Transport (Wales) Measure 2011.]

- (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), ^{F34}...
 - [^{F35}(da) regulations under section 14B, 14C, 14D, 14E, 14F, 14H or 14L or Schedule A1, or
 - (db) an order under section 14N(6).]
 - (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.

Changes to legislation: Learner Travel (Wales) Measure 2008 is up to date with all changes known to be in force on or before 23 March 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

Textual Amendments

- F28** Words in s. 27(2)(a) inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(2\)\(a\), 16\(2\)](#)
- F29** S. 27(2)(aa) inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(2\)\(b\), 16\(2\)](#)
- F30** Words in s. 27(2)(b) inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(2\)\(c\), 16\(2\)](#)
- F31** Words in s. 27(3) omitted (10.7.2011) by virtue of [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(3\), 16\(2\)](#)
- F32** Words in s. 27(3) inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(3\), 16\(2\)](#)
- F33** S. 27(4A) inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(4\), 16\(2\)](#)
- F34** Word in s. 27(7)(d) omitted (10.7.2011) by virtue of [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(5\)\(a\), 16\(2\)](#)
- F35** S. 27(7)(da)(db) inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(5\)\(b\), 16\(2\)](#)

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.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 1 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 1(4)(g) words substituted by [2022 asc 1 Sch. 4 para. 23\(2\)](#)
- s. 2 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 3 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 4 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 5 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 6 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 7 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 7(1)(b)(ii) words inserted by [2022 asc 1 Sch. 4 para. 23\(3\)\(a\)](#)
- s. 8 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 9 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 10 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 11 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 12 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 13 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 14 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 15 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 16 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 17 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 18 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 19 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 20 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 21 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 22 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 23 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 24 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 24(1) words omitted by [2013 anaw 1 Sch. 5 para. 25\(2\)](#)
- s. 25 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- s. 26 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- Sch. A1 para. 10(2) words substituted by [2020 c. 17 Sch. 24 para. 443\(2\)](#) (This amendment not applied to legislation.gov.uk. It relates to the Welsh text version only)
- Sch. A1 para. 10(2) words substituted by [S.I. 2022/500 reg. 5\(3\)Sch. Pt. 3](#)
- Sch. A1 para. 10(1)(a) words substituted by [S.I. 2023/149 reg. 19\(2\)](#) (Amendment to Welsh text only)
- Sch. A1 para. 10(2) words substituted by [S.I. 2023/149 reg. 19\(3\)](#) (Amendment to Welsh text only)
- Sch. 1 para. 1 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- Sch. 1 para. 2 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- Sch. 1 para. 3 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- Sch. 1 para. 4 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- Sch. 1 para. 5 coming into force by [2008 nawm 2 s. 28\(2\)](#)
- Sch. 2 coming into force by [2008 nawm 2 s. 28\(2\)](#)

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

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

– s. 7(3)(a)(ai) inserted by [2022 asc 1 Sch. 4 para. 23\(3\)\(b\)](#)