

# **LEARNER TRAVEL (WALES) MEASURE 2008**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 19 – Determination of ordinary residence in particular circumstances***

57. This section sets out provisions for determining a person's ordinary residence in particular circumstances. If a person has no ordinary residence, subsection (1) states that the person should be treated for the purposes of the Measure as being ordinarily resident at the place at which s/he is for the time being resident.
58. Subsections (2) to (6) make provision for a child or young person who has more than one home. Where a child's parents are not living together but the child lives with both parents, or with a parent and also at a children's home, then both places of residence should be regarded as their place of ordinary residence for the purposes of the Measure. If there are more than two such places then subsection (6) states that only those two places nearest to their school or further education institution will count.
59. Subsection (7) (b) makes it clear that "parent" means a parent within the meaning of section 576(1) of the Education Act 1996 who is an individual. That section defines a parent as including any person who is not a parent but who has parental responsibility or who cares for the child or young person. This definition can therefore include grandparents, other relatives and foster carers.