

# LEARNER TRAVEL (WALES) MEASURE 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 21 – Amendments to the Education Act 2002*

61. **Section 21** makes amendments for Wales to sections 32 and 210 of the Education Act 2002. Section 32 requires a school governing body to determine the times of school sessions. Subsection (3) of section 32 of the Education Act 2002 is a regulation making power governing the procedure for changing the times of school sessions and in Wales (at the time this Measure was passed) such changes are made in line with the Changing of School Session Times (Wales) Regulations 2000.
62. Subsection (2) inserts new subsections (5) to (10) into section 32 of the 2002 Act. Where a local authority is satisfied that changing a school's session time would promote sustainable modes of travel or would improve the efficiency and effectiveness of travel arrangements, it can change the session times. It will do so by giving notice to the governing body. Where a school has two sessions in a day, the local authority will decide the time at which the morning school session will start and the time the afternoon session will end. The governing body will retain the power to set the time of the end of the morning session and the start of the afternoon session. But if the school only has one session in a day, the authority will decide the time of its start and end. There is a courtesy translation of this insertion in the Appendix to the Welsh language version of the explanatory notes.
63. The power of a governing body of a foundation, voluntary aided or foundation special school to fix the dates of terms and holidays is unchanged by section 21.
64. The Welsh Ministers may make regulations under the new subsection (9) of section 32 of the 2002 Act about how a local authority should issue a notice and related matters about a notice's content. Under the new subsection (10) of section 32 the local authority will have to have regard to guidance given by the Welsh Ministers when using this new power.
65. Section 210 of the 2002 Act prescribes how orders and regulations under the 2002 Act are to be made. The amendment made by section 18(3) will have the effect of making the order making power inserted into section 32(9) exercisable by statutory instrument.
66. Section 210(6A) prescribes that any order made under section 32(9) is subject to the negative procedure. Section 210(6B) is a signpost to the effect of Schedule 11 to the Government of Wales Act 2006.