

Changes to legislation: Education Act 1996, Cross Heading: Charges is up to date with all changes known to be in force on or before 07 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

[¹SCHEDULE 35C

SCHOOL TRAVEL SCHEMES

Textual Amendments

- F1** Sch. 35C inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), [Sch. 9](#); [S.I. 2007/935](#), art. 5(dd)

Charges

- 5 (1) A school travel scheme must set out the policy applicable to charging in relation to anything provided in pursuance of the scheme.
- (2) The policy to be set out under sub-paragraph (1) must include provision to the effect that anything provided in pursuance of the scheme for a protected child is provided free of charge.
- (3) The policy to be set out under sub-paragraph (1) must include provision to the effect mentioned in sub-paragraph (3) of paragraph 7 in relation to any child falling within sub-paragraph (1) or (2) of that paragraph.
- 6 (1) For the purposes of paragraph 5, a “protected child” is a child of compulsory school age in the scheme authority's area who falls within any of sub-paragraphs (2) to (4).
- (2) A child falls within this sub-paragraph if he is a child falling within any of the following paragraphs of Schedule 35B—
- (a) paragraph 2 or 3 (children of compulsory school age with special educational needs, a disability or mobility problems);
 - (b) paragraph 4 or 5 (children of compulsory school age who cannot reasonably be expected to walk because of nature of routes).
- (3) A child falls within this sub-paragraph if he is within section 512ZB(4) (provision of free school lunches and milk).
- (4) A child falls within this sub-paragraph if—
- (a) a parent of the child, with whom the child is ordinarily resident, is a person to whom working tax credit is awarded, and
 - (b) the award is at the rate which is the maximum rate for the parent's case or, in the case of an award to him jointly with another, at the rate which is the maximum rate for their case.
- 7 (1) For the purposes of paragraph 5(3), a child falls within this sub-paragraph if—
- (a) he is of compulsory school age and is any of the following—
 - a child with special educational needs;
 - a disabled child;

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- a child with mobility problems,
 - (b) he is a registered pupil at a qualifying school which is not within walking distance of his home, and
 - (c) no suitable arrangements have been made by the ^[F2]local authority] for enabling him to become a registered pupil at a qualifying school nearer to his home.
- (2) For the purposes of paragraph 5(3), a child falls within this sub-paragraph if—
- (a) he is of compulsory school age and is any of the following—
 - a child with special educational needs;
 - a disabled child;
 - a child with mobility problems,
 - (b) he is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1), and
 - (c) that place is not within walking distance of his home.
- (3) The effect referred to in paragraph 5(3) is that the amount payable in respect of anything provided in pursuance of the scheme for a child falling within sub-paragraph (1) or (2) is not to exceed the amount (if any) which would be payable under the scheme if—
- (a) he were a child who is not a child with special educational needs, a disabled child or a child with mobility problems,
 - (b) in the case of a child falling within sub-paragraph (1), he were registered as a pupil at his nearest qualifying school, and
 - (c) he took full advantage of any arrangements under the scheme for the provision of transport for persons of his description.
- (4) In sub-paragraph (3)(b), the reference to the child's nearest qualifying school is to whichever of the following is the nearest to his home to provide education for persons of his age who are not children with special educational needs, disabled children or children with mobility problems—
- (a) a community school,
 - (b) a foundation school,
 - (c) a voluntary school,
 - (d) an Academy,
 - (e) a city technology college, and
 - (f) a city college for the technology of the arts.

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 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with [Sch. 2 para. 7\(4\)\(5\)](#))

- 8 Any sum payable in respect of a charge for anything provided by the scheme authority in pursuance of arrangements made by that authority in pursuance of a school travel scheme is to be recoverable summarily as a civil debt.
- 9 (1) This paragraph applies if a school travel scheme will give rise to any need to incur expenditure in order for a child to take advantage of anything provided for him in pursuance of the scheme.

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- (2) The scheme must include provision for any expenditure that needs to be incurred for the purpose mentioned in sub-paragraph (1) in the case of a protected child to be met by the scheme authority.
- (3) “Protected child” has the meaning given for the purposes of paragraph 5.]

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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. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)