

*Changes to legislation: Education Act 1996, SCHEDULE 35C is up to date with all changes known to be in force on or before 20 May 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

### [<sup>F1</sup>SCHEDULE 35C U.K.]

Section 508E

#### 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)

##### *Power to make scheme*

- 1 (1) A [<sup>F2</sup>local authority] in England may make a school travel scheme for their area.
- (2) Before making a school travel scheme, a [<sup>F2</sup>local authority] must consult such persons as the authority consider appropriate.

##### 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))

##### *Arrangements to be included in scheme*

- 2 (1) A school travel scheme must set out (in general terms) what arrangements in connection with the attendance of children in the authority's area receiving education—
- (a) at schools,
  - (b) at any institution within the further education sector, or
  - (c) at any other place by virtue of arrangements made in pursuance of section 19(1),
- the scheme authority consider it appropriate to be made in relation to travel to and from such places.
- (2) Those arrangements are to be either or both of the following—
- (a) arrangements to be made by the authority;
  - (b) arrangements to be made by any other persons.
- (3) A school travel scheme may include travel arrangements of any description and may, in particular, include—
- (a) arrangements for the provision of transport;
  - (b) any of the following arrangements only if made with the relevant parental consent—

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- (i) arrangements for the provision of one or more persons to escort a child (whether alone or together with other children) when travelling to or from any of the places mentioned in any of paragraphs (a) to (c) of sub-paragraph (1);
  - (ii) arrangements for the payment of the whole or any part of a person's reasonable travelling expenses;
  - (iii) arrangements for the payment of allowances in respect of the use of particular modes of travel;
  - (c) arrangements to facilitate or promote the use of particular modes of travel.
- (4) The reference in sub-paragraph (3) to the relevant parental consent is to the consent of a parent of each child in relation to whom the arrangements in question are made.
- (5) A school travel scheme must require that if any arrangements set out in the scheme involve arrangements to be made by any person other than the scheme authority and those arrangements—
- (a) are not made by that person or by any other persons, or
  - (b) are so made but are not given effect to in compliance with the requirements of the scheme,
- the scheme authority must make suitable alternative arrangements.

*Travel arrangements for “eligible children”*

- 3 (1) A school travel scheme must require that, in the case of an eligible child in the scheme authority's area to whom sub-paragraph (2) applies, the authority must make such travel arrangements as they consider necessary in order to secure that suitable home to school travel arrangements, for the purpose of facilitating the child's attendance at the relevant educational establishment in relation to him, are made in relation to the child.
- (2) This sub-paragraph applies to an eligible child if—
- (a) no travel arrangements relating to travel in either direction between his home and the relevant educational establishment in relation to him, or in both directions, are provided in relation to him by any person who is not the scheme authority, or
  - (b) such travel arrangements are provided in relation to him by any person who is not the scheme authority but those arrangements, taken together with any other such travel arrangements which are so provided, do not provide suitable home to school travel arrangements for the purpose of facilitating his attendance at the relevant educational establishment in relation to him.
- (3) “Home to school travel arrangements”, in relation to an eligible child, are travel arrangements relating to travel in both directions between the child's home and the relevant educational establishment in question in relation to that child.
- (4) “Travel arrangements”, in relation to an eligible child, are travel arrangements of any description and include—
- (a) arrangements for the provision of transport, and
  - (b) any of the following arrangements only if they are made with the consent of a parent of the child—
    - (i) arrangements for the provision of one or more persons to escort the child (whether alone or together with other children) when travelling

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- to or from the relevant educational establishment in relation to the child;
- (ii) arrangements for the payment of the whole or any part of a person's reasonable travelling expenses;
- (iii) arrangements for the payment of allowances in respect of the use of particular modes of travel.
- (5) “Travel arrangements”, in relation to an eligible child, include travel arrangements of any description made by any parent of the child only if those arrangements are made by the parent voluntarily.
- (6) Regulations may modify sub-paragraphs (1) and (2) to provide for their application in cases where there is more than one relevant educational establishment in relation to a child.

**Modifications etc. (not altering text)**

**C1** Sch. 35C para. 3(1)(2) modified (E.) (1.6.2007) by [The School Travel \(Pupils with Dual Registration\) \(England\) Regulations 2007 \(S.I. 2007/1367\)](#), regs. 1(2)(a), 2

- 4 (1) For the purposes of paragraph 3, an “eligible child” is a child who falls 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 the nature of the routes);
- (c) paragraph 6 or 7 (children of compulsory school age who live outside walking distance and for whom no suitable alternative arrangements are made);
- (d) paragraph 9, 10, 11, 12 or 13 (children aged 8 or over who are entitled to free school meals etc).
- (2) References in paragraph 3 to the “relevant educational establishment”, in relation to an eligible child, are references to—
- (a) in the case of a child who is an eligible child by virtue of falling within any of paragraphs 2, 4, 6, 9, 11 and 12 of Schedule 35B, the qualifying school at which the child is a registered pupil referred to in the paragraph in question, and
- (b) in the case of a child who is an eligible child by virtue of falling within any of paragraphs 3, 5, 7, 10 and 13 of Schedule 35B, the place other than a school, where the child is receiving education by virtue of arrangements made in pursuance of section 19(1), referred to in the paragraph in question.

*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.

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- (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;
    - 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 [<sup>F2</sup>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

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- (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.
- (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.

#### *Commencement of scheme*

- 10 (1) A school travel scheme is not to come into force unless approved by the Secretary of State.
- (2) A school travel scheme which has been approved by the Secretary of State is to come into force in accordance with directions given by the Secretary of State.
- (3) The earliest date on which a school travel scheme may come into force is 31 August 2007.

#### *Amendment or revocation of scheme*

- 11 (1) The scheme authority may amend or revoke a school travel scheme.
- (2) Before amending a school travel scheme, the scheme authority must consult such persons as they consider appropriate.
- (3) The power of amendment under sub-paragraph (1) is exercisable only with the consent of the Secretary of State.

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- (4) The Secretary of State may consent to the exercise of the power of amendment under sub-paragraph (1) on an application by the scheme authority specifying the proposed exercise of the power.
- (5) If on an application under sub-paragraph (4) the Secretary of State consents to the exercise of the power of amendment under sub-paragraph (1), the scheme authority must exercise the power accordingly.
- (6) Any amendment under this paragraph is to come into force in accordance with directions given by the Secretary of State.

#### *Provision of information*

- 12 (1) The scheme authority must—
  - (a) make such reports and returns to the Secretary of State, and
  - (b) compile and give to the Secretary of State such information,
 as the Secretary of State may require for any of the purposes mentioned in sub-paragraph (2).
- (2) Those purposes are—
  - (a) the purpose of monitoring the operation or effect of a school travel scheme approved under this Schedule;
  - (b) the purpose of preparing or publishing an evaluation under section 80 of the Education and Inspections Act 2006.

#### *Guidance*

- 13 (1) The Secretary of State must issue, and may from time to time revise, guidance as to the matters which he will take into account in exercising his power under paragraph 10(1) or 11(3).
- (2) Before issuing or revising guidance under sub-paragraph (1), the Secretary of State must consult such persons as he considers appropriate.

#### *Interpretation*

- 14 In this Schedule—
  - “disabled child” means a child who has a disability for the purposes of the [<sup>F3</sup>Equality Act 2010], and “disability” is to be construed accordingly;
  - “qualifying school” has the same meaning as it has for the purposes of Schedule 35B;
  - “scheme authority”, in relation to a school travel scheme, means the [<sup>F2</sup>local authority] by which the scheme is made;
  - “walking distance” has the meaning given by section 444(5).]

#### **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))

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**F3** Words in Sch. 35C para. 14 substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 41 (as inserted (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), [Sch. 1 para. 5](#)) (see S.I. 2010/2317, art. 2)

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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](#)