



# Learner Travel (Wales) Measure 2008

## 2008 nawm 2

### *Learner travel arrangements*

#### **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"><li>(a) a maintained school,</li><li>(b) a pupil referral unit,</li><li>(c) an independent school named in a statement maintained for the child under section 324 of the Education Act 1996, or</li><li>(d) a non-maintained special school, at which the child is a registered pupil.</li></ul>	<ul style="list-style-type: none"><li>(a) The child is ordinarily resident at a place 2 miles (3.218688 kilometres) or more from the school or unit.</li><li>(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"><li>(i) a suitable maintained school,</li><li>(ii) a suitable pupil referral unit,</li><li>(iii) an independent school named in a statement maintained for the child under section 324 of the Education Act 1996, or</li></ul></li></ul>

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*Status: Point in time view as at 10/07/2011. This version of this provision has been superseded.*

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|---|---|
| <p>The child is receiving secondary education at—</p> <ul style="list-style-type: none"> <li>(a) a maintained school,</li> <li>(b) a pupil referral unit,</li> <li>(c) an independent school named in a statement maintained for the child under section 324 of the Education Act 1996, or</li> <li>(d) a non-maintained special school, at which the child is a registered pupil.</li> </ul>   | <ul style="list-style-type: none"> <li>(iv) a suitable non-maintained special school,<br/>nearer to the place where the child is ordinarily resident.</li> <li>(c) No arrangements have been made by the local authority for suitable boarding accommodation for the child at or near the school or unit.</li> </ul>  |
| <p>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.</p>  | <ul style="list-style-type: none"> <li>(a) The child is ordinarily resident at a place 3 miles (4.828032 kilometres) or more from the school or unit.</li> <li>(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"> <li>(i) a suitable maintained school,</li> <li>(ii) a suitable pupil referral unit,</li> <li>(iii) an independent school named in a statement maintained for the child under section 324 of the Education Act 1996, or</li> <li>(iv) a suitable non-maintained special school,<br/>nearer to the place where the child is ordinarily resident.</li> </ul> </li> <li>(c) No arrangements have been made by the local authority for suitable boarding accommodation for the child at or near the school or unit.</li> </ul> |
| <p>The child—</p> <ul style="list-style-type: none"> <li>(a) is a registered pupil at a maintained school, and</li> <li>(b) receives secondary education at a relevant place other than that school.</li> </ul> <p>The secondary education referred to in paragraph (b) is education arranged—</p> <ul style="list-style-type: none"> <li>(i) by the local authority, or</li> <li>(ii) by, or on behalf of, the governing body of the school at which the child is a registered pupil.</li> </ul> | <p>The child is ordinarily resident at a place 3 miles (4.828032 kilometres) or more from the relevant place.</p>   |
| <p>The child is looked after by a local authority and is receiving primary education at—</p>  | <p>The child is ordinarily resident at a place 2 miles (3.218688 kilometres) or more from the school or unit.</p>   |

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- (a) a maintained school,
- (b) a pupil referral unit,
- (c) an independent school named in a statement maintained for the child under section 324 of the Education Act 1996, or
- (d) a non-maintained special school, at which the child is a registered pupil.

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 named in a statement maintained for the child under section 324 of the Education Act 1996, 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—
- (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).

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#### **Commencement Information**

**II** S. 3 in force at 1.9.2009 by [S.I. 2009/371](#), **Sch. Pt. 2**

**Status:**

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