



# Education Act 1996

## 1996 CHAPTER 56

### PART IX **E+W**

#### ANCILLARY FUNCTIONS

### CHAPTER II **E+W**

#### ANCILLARY FUNCTIONS OF <sup>[F2]</sup>LOCAL AUTHORITIES]

#### *Provision of services*

#### <sup>[F1]</sup>507A <sup>[F2]</sup>Local authorities] in England: functions in respect of recreational and training facilities for children under 13 **E+W**

- (1) A <sup>[F3]</sup>local authority] in England must secure that the facilities for primary and secondary education provided for their area include adequate facilities for recreation and social and physical training for children who have not attained the age of 13.
- (2) For the purposes of subsection (1) a <sup>[F3]</sup>local authority] may—
  - (a) establish, maintain and manage, or assist the establishment, maintenance and management of—
    - (i) camps, holiday classes, playing fields, play centres, and
    - (ii) other places, including playgrounds, gymnasiums and swimming baths not appropriated to any school or other educational institution, at which facilities for recreation and social and physical training are available for persons receiving primary or secondary education;
  - (b) organise games, expeditions and other activities for such persons; and
  - (c) defray, or contribute towards, the expenses of such games, expeditions and other activities.
- (3) When making arrangements for the provision of facilities or the organisation of activities in the exercise of their powers under subsection (2), a <sup>[F3]</sup>local authority]

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must, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.

#### Textual Amendments

- F1** S. 507A - S. 507B inserted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 6(1)**, 188(2)
- 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(3)** (with Sch. 2 para. 7(4)(5))
- F3** 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))

### 507B <sup>[F2]</sup>**Local authorities] in England: functions in respect of leisure-time activities etc for persons aged 13 to 19 and certain persons aged 20 to 24** **E+W**

- (1) A <sup>[F3]</sup>local authority] in England must, so far as reasonably practicable, secure for qualifying young persons in the authority's area access to—
- (a) sufficient educational leisure-time activities which are for the improvement of their well-being, and sufficient facilities for such activities; and
  - (b) sufficient recreational leisure-time activities which are for the improvement of their well-being, and sufficient facilities for such activities.
- (2) “Qualifying young persons”, for the purposes of this section, are—
- (a) persons who have attained the age of 13 but not the age of 20; and
  - (b) persons who have attained the age of 20 but not the age of 25 and have a learning difficulty <sup>[F4]</sup>or disability] (within the meaning of <sup>[F5]</sup>section 15ZA(6) (a) and (7)).
- (3) For the purposes of subsection (1)(a)—
- (a) “sufficient educational leisure-time activities” which are for the improvement of the well-being of qualifying young persons in the authority's area must include sufficient educational leisure-time activities which are for the improvement of their personal and social development, and
  - (b) “sufficient facilities for such activities” must include sufficient facilities for educational leisure-time activities which are for the improvement of the personal and social development of qualifying young persons in the authority's area.
- (4) References in the remaining provisions of this section to “positive leisure-time activities” are references to any activities falling within paragraph (a) or (b) of subsection (1).
- (5) For the purposes of subsection (1) a <sup>[F3]</sup>local authority] may—
- (a) provide facilities for positive leisure-time activities;
  - (b) assist others in the provision of such facilities;
  - (c) make arrangements for facilitating access for qualifying young persons to such facilities;
  - (d) organise positive leisure-time activities;
  - (e) assist others in the organisation of such activities;

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- (f) make arrangements for facilitating access for qualifying young persons to such activities;
  - (g) enter into agreements or make arrangements with any person in connection with anything done or proposed to be done under any of paragraphs (a) to (f);
  - (h) take any other action which the authority think appropriate.
- (6) For the purposes of subsection (5)—
- (a) the provision mentioned in paragraph (a) may include establishing, maintaining and managing places at which facilities for positive leisure-time activities are provided;
  - (b) the assistance mentioned in paragraphs (b) and (e) may include the provision of financial assistance;
  - (c) the arrangements mentioned in paragraphs (c) and (f) may include the provision of transport, of financial assistance or of information to any person.
- (7) Before taking any action for the purposes of subsection (1) (“the proposed action”), a [F3local authority] must—
- (a) consider whether it is expedient for the proposed action to be taken by another person, and
  - (b) where the authority consider that it is so expedient, take all reasonable steps to enter into an agreement or make arrangements with such a person for that purpose.
- (8) For the purposes of subsection (7)(a) a [F3local authority] must consult such persons as the authority think appropriate as to whether it is expedient for the proposed action to be taken by another person.
- (9) In exercising their functions under this section a [F3local authority] must—
- (a) take steps to ascertain the views of qualifying young persons in the authority's area about—
    - (i) positive leisure-time activities, and facilities for such activities, in the authority's area;
    - (ii) the need for any additional such activities and facilities; and
    - (iii) access to such activities and facilities; and
  - (b) secure that the views of qualifying young persons in the authority's area are taken into account.
- (10) A [F3local authority] in England must—
- (a) publicise information about positive leisure-time activities, and facilities for such activities, in the authority's area, and
  - (b) keep the information publicised under paragraph (a) up to date.
- (11) A [F3local authority] may charge in respect of anything provided by the authority under this section where the provision is to a qualifying young person (whether or not in the authority's area).
- (12) In exercising their functions under this section a [F3local authority] must have regard to any guidance given from time to time by [F6the Minister for the Cabinet Office].
- (13) In this section—
- “recreation” includes physical training (and “recreational” is to be construed accordingly);

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“sufficient”, in relation to activities or facilities, means sufficient having regard to quantity;

“well-being”, in relation to a person, means his well-being so far as relating to—

- (a) physical and mental health and emotional well-being;
- (b) protection from harm and neglect;
- (c) education, training and recreation;
- (d) the contribution made by him to society;
- (e) social and economic well-being.]

#### Textual Amendments

- F1** S. 507A - S. 507B inserted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 6(1)**, 188(2)
- F3** 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))
- F4** Words in s. 507B(2)(b) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 45**; [S.I. 2014/889](#), art. 7(a) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))
- F5** Words in s. 507B(2)(b) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 28** (with art. 2(3))
- F6** Words in s. 507B(12) substituted (7.8.2013) by [The Transfer of Functions \(Youth Leisure-time Activities\) Order 2013 \(S.I. 2013/1721\)](#), arts. 1(2), **3(2)** (with art. 4)

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

- C1** S. 507B(12): transfer of functions (7.8.2013) by [The Transfer of Functions \(Youth Leisure-time Activities\) Order 2013 \(S.I. 2013/1721\)](#), arts. 1(2), **2(a)** (with art. 4)

### 508 <sup>[F7]</sup><sup>[F2]</sup>Local authorities] in Wales: functions] in respect of facilities for recreation and social and physical training. **E+W**

(1) A <sup>[F3]</sup>local authority][<sup>[F8]</sup>in Wales] shall secure that the facilities for primary, <sup>[F9]</sup>and secondary education] provided for their area include adequate facilities for recreation and social and physical training.

<sup>[F10]</sup>(1A) A <sup>[F3]</sup>local authority][<sup>[F11]</sup> in Wales] may provide facilities for recreation and social and physical training as part of the facilities for further education provided (whether or not by them) for their area.]

- (2) <sup>[F12]</sup>For the purpose of subsection (1) or (1A)] a <sup>[F3]</sup>local authority]—
- (a) may establish, maintain and manage, or assist the establishment, maintenance and management of,—
    - (i) camps, holiday classes, playing fields, play centres, and
    - (ii) other places, including playgrounds, gymnasiums and swimming baths not appropriated to any school or other educational institution, at which facilities for recreation and social and physical training are available for persons receiving primary, secondary or further education;
  - (b) may organise games, expeditions and other activities for such persons; and

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- (c) may defray, or contribute towards, the expenses of such games, expeditions and other activities.
- (3) When making arrangements for the provision of facilities or the organisation of activities in the exercise of their powers under subsection (2), a [<sup>F3</sup>local authority] shall, in particular, have regard to the expediency of co-operating with any voluntary societies or bodies whose objects include the provision of facilities or the organisation of activities of a similar character.

#### Textual Amendments

- F3** 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))
- F7** Word in s. 508 heading substituted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(2), **Sch. 1 para. 4(b)**
- F8** Words in s. 508(1) inserted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(2), **Sch. 1 para. 4(a)**
- F9** Words in s. 508(1) substituted (1.4.2001) by [2000 c. 21, s. 137\(2\)](#), (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F10** S. 508(1A) inserted (1.4.2001) by [2000 c. 21, s. 137\(3\)](#) (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**
- F11** Words in s. 508(1A) inserted (8.1.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(2), **Sch. 1 para. 4(a)**
- F12** Words in s. 508(2) substituted (1.4.2001) by [2000 c. 21, s. 137\(4\)](#), (with s. 150); S.I. 2001/654, art. 2(2), **Sch. Pt. II**; S.I. 2001/1274, art. 2(1), **Sch. Pt. I**

#### [<sup>F13</sup>508A][<sup>F2</sup>Local authorities] in England: duty to promote sustainable modes of travel etc **E+W**

- (1) A [<sup>F3</sup>local authority] in England must—
- (a) prepare for each academic year a document containing their strategy to promote the use of sustainable modes of travel to meet the school travel needs of their area (“a sustainable modes of travel strategy”),
  - (b) publish the strategy in such manner and by such time as may be prescribed, and
  - (c) promote the use of sustainable modes of travel to meet the school travel needs of their area.
- (2) Before preparing a sustainable modes of travel strategy, an authority must in particular—
- (a) assess the school travel needs of their area, and
  - (b) assess the facilities and services for sustainable modes of travel to, from and within their area.
- (3) “Sustainable modes of travel” are modes of travel which the authority consider may improve either or both of the following—
- (a) the physical well-being of those who use them;
  - (b) the environmental well-being of the whole or a part of their area.
- (4) The “school travel needs” of a [<sup>F3</sup>local authority]'s area are—

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- (a) the needs of children and persons of sixth form age in the authority's area as regards travel mentioned in subsection (5), and
  - (b) the needs of other children and persons of sixth form age as regards travel mentioned in subsection (6).
- (5) The needs of children and persons of sixth form age in the authority's area as regards travel referred to in subsection (4)(a) are their needs as regards travel to and from—
- (a) schools at which they receive or are to receive education or training,
  - (b) institutions within the further education sector<sup>[F14]</sup>, or 16 to 19 Academies,] at which they receive or are to receive education or training, or
  - (c) any other places where they receive or are to receive education by virtue of arrangements made in pursuance of section 19(1).
- (6) The needs of other children and persons of sixth form age as regards travel referred to in subsection (4)(b) are their needs as regards travel to and from—
- (a) schools at which they receive or are to receive education or training,
  - (b) institutions within the further education sector<sup>[F15]</sup>, or 16 to 19 Academies,] at which they receive or are to receive education or training, or
  - (c) any other places where they receive or are to receive education by virtue of arrangements made in pursuance of section 19(1),
- in so far as that travel relates to travel within the authority's area.
- (7) The Secretary of State must issue, and may from time to time revise, guidance in relation to the discharge by a <sup>[F3]</sup>local authority] of their duties under this section.
- (8) Before issuing or revising guidance under subsection (7), the Secretary of State must consult such persons as he considers appropriate.
- (9) In discharging their duties under this section an authority must—
- (a) consult such persons as they consider appropriate, and
  - (b) have regard to any guidance given from time to time by the Secretary of State under subsection (7).
- (10) References in this section to persons of sixth form age are to be construed in accordance with subsection (1) of section 509AC.
- (11) In this section, “academic year” has the same meaning as in section 509AC in the case of <sup>[F2]</sup>local authorities] in England.]

#### Textual Amendments

- F3** 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))
- F13** S. 508A inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 76**, 188(3); S.I. 2007/935, art. 5(1)
- F14** Words in s. 508A(5)(b) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(10)(a)**; S.I. 2012/924, art. 2
- F15** Words in s. 508A(6)(b) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(10)(b)**; S.I. 2012/924, art. 2

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**[<sup>F16</sup>508B]<sup>F2</sup>Local authorities] in England: travel arrangements for eligible children **E****

**+W**

- (1) A [<sup>F3</sup>local authority] in England must make, in the case of an eligible child in the authority's area to whom subsection (2) applies, 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 and provided free of charge in relation to the child.
- (2) This subsection 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 free of charge in relation to him by any person who is not the authority, or
  - (b) such travel arrangements are provided free of charge in relation to him by any person who is not the 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 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) “Travel arrangements”, in relation to an eligible child, do not comprise or include travel arrangements which give rise to additional costs and do not include appropriate protection against those costs.
- (7) For the purposes of subsection (6)—
  - (a) travel arrangements give rise to additional costs only if they give rise to any need to incur expenditure in order for the child to take advantage of anything provided for him in pursuance of the arrangements, and
  - (b) travel arrangements include appropriate protection against those costs only if they include provision for any expenditure that needs to be incurred for the



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- purpose mentioned in paragraph (a) in the case of the child to be met by the person by whom the arrangements are made.
- (8) Travel arrangements are provided free of charge if there is no charge for anything provided in pursuance of the arrangements.
- (9) Schedule 35B has effect for the purposes of defining “eligible child” for the purposes of this section.
- (10) References to a “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 (within the meaning of that Schedule) 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.
- (11) Regulations may modify subsections (1) and (2) to provide for their application in cases where there is more than one relevant educational establishment in relation to a child.

#### Textual Amendments

- F3** 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\(4\)\(5\)](#))
- F16** Ss. 508B-508D inserted (1.4.2007 for the insertion of ss. 508B(11), 508D, 1.9.2007 in so far as not already in force) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 77(1), 188(3)**; [S.I. 2007/935](#), [art. 5\(m\)](#); [S.I. 2007/1801](#), [art. 4\(b\)](#)

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

- C2** S. 508B(1)(2) modified (E.) (1.9.2007) by [The School Travel \(Pupils with Dual Registration\) \(England\) Regulations 2007 \(S.I. 2007/1367\)](#), [regs. 1\(2\)\(b\), 2](#)

### 508C <sup>F2</sup>**[Local authorities] in England: travel arrangements etc for other children** **E** **+W**

- (1) A <sup>F3</sup>[local authority] in England may make such school travel arrangements as they consider necessary, in relation to any child in the authority's area to whom this section applies, for the purpose of facilitating the child's attendance at any relevant educational establishment in relation to the child.
- (2) This section applies to a child who is not an eligible child for the purposes of section 508B.
- (3) “School travel arrangements”, in relation to such a child, are travel arrangements relating to travel in either direction between his home and any relevant educational establishment in relation to the child, or in both directions.
- (4) “Travel arrangements”, in relation to such a child, are travel arrangements of any description and include—



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- (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 to or from any 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) A <sup>F3</sup>local authority] in England may pay, in the case of a child in the authority's area to whom this section applies and in relation to whom no arrangements are made by the authority under subsection (1), the whole or any part, as they think fit, of a person's reasonable travelling expenses in relation to that child's travel in either direction between his home and any relevant educational establishment in relation to the child, or in both directions.
- (6) References to a “relevant educational establishment”, in relation to a child to whom this section applies, are references to—
- (a) any school at which he is a registered pupil,
  - (b) any institution within the further education sector<sup>F17</sup>, or 16 to 19 Academy,] at which he is receiving education, or
  - (c) any place other than a school where he is receiving education by virtue of arrangements made in pursuance of section 19(1).

#### Textual Amendments

- F3** 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\(4\)\(5\)](#))
- F16** Ss. 508B-508D inserted (1.4.2007 for the insertion of ss. 508B(1), 508D, 1.9.2007 in so far as not already in force) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 77(1), 188(3)**; [S.I. 2007/935](#), **art. 5(m)**; [S.I. 2007/1801](#), **art. 4(b)**
- F17** Words in s. 508C(6)(b) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **s. 82(3)**, **Sch. 13 para. 9(11)**; [S.I. 2012/924](#), **art. 2**

#### **508D** Guidance etc in relation to sections 508B and 508C **E+W**

- (1) The Secretary of State must issue, and may from time to time revise, guidance in relation to the discharge by a <sup>F3</sup>local authority] of their functions under sections 508B and 508C.
- (2) Before issuing or revising guidance under subsection (1), the Secretary of State must consult such persons as he considers appropriate.
- (3) In discharging their functions under sections 508B and 508C an authority must have regard to any guidance given from time to time by the Secretary of State under subsection (1).

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- (4) Regulations may require a [<sup>F3</sup>local authority] to publish, at such times and in such manner as may be prescribed, such information as may be prescribed with respect to the authority's policy and arrangements relating to the discharge of their functions under section 508B or 508C.]

#### Textual Amendments

- F3** 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))
- F16** Ss. 508B-508D inserted (1.4.2007 for the insertion of ss. 508B(11), 508D, 1.9.2007 in so far as not already in force) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 77(1), 188(3)**; S.I. 2007/935, art. 5(m); S.I. 2007/1801, art. 4(b)

#### [<sup>F18</sup>508E [<sup>F2</sup>Local authorities] in England: school travel schemes **E+W**

- (1) Schedule 35C has effect in relation to school travel schemes.
- (2) Where a school travel scheme is in force under Schedule 35C, the [<sup>F3</sup>local authority] in England by which the scheme is made must give effect to the scheme by—
- (a) making the arrangements which are set out in the scheme as described in paragraph 2(1) of that Schedule as arrangements to be made by the authority,
  - (b) complying with the requirement of the scheme described in paragraph 2(5) of that Schedule (requirement to make suitable alternative arrangements),
  - (c) complying with the requirement of the scheme described in paragraph 3 of that Schedule (travel arrangements for eligible children), and
  - (d) complying with the scheme's policy applicable to charging and any other requirements of the scheme.
- (3) Where a school travel scheme is in force under Schedule 35C, the [<sup>F3</sup>local authority] in England by which the scheme is made do not have any functions under section 508B or 508C in relation to children in their area.
- (4) The Secretary of State must issue, and may from time to time revise, guidance in relation to the discharge by a [<sup>F3</sup>local authority] in England of any duty under subsection (2) or of any functions under Schedule 35C.
- (5) Before issuing or revising guidance under subsection (4), the Secretary of State must consult such persons as he considers appropriate.
- (6) In discharging any duty under subsection (2) and in exercising any functions under Schedule 35C, a [<sup>F3</sup>local authority] in England must have regard to any guidance given from time to time by the Secretary of State under subsection (4).]

#### Textual Amendments

- F3** 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))
- F18** S. 508E inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 78(1), 188(3)**; S.I. 2007/935, art. 5(n)

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**[<sup>F19</sup>508F [<sup>F2</sup>Local authorities] in England: provision of transport etc for adult learners <sup>E</sup>  
<sup>+W</sup>**

- (1) A [<sup>F3</sup>local authority] in England must make such arrangements for the provision of transport and otherwise as they consider necessary, or as the Secretary of State may direct, for the purposes mentioned in subsections (2) and (3).
- (2) The first purpose is to facilitate the attendance of adults receiving education at institutions—
  - (a) maintained or assisted by the authority and providing further or higher education (or both), or
  - (b) within the further education sector.
- (3) The second purpose is to facilitate the attendance of relevant young adults receiving education or training at institutions outside both the further and higher education sectors, but only in cases where the [<sup>F3</sup>local authority] have secured for the adults in question—
  - (a) the provision of education or training at the institution in question, and
  - (b) the provision of boarding accommodation under section 514A.
- (4) Any transport provided under subsection (1) must be provided free of charge.
- (5) In considering what arrangements it is necessary to make under subsection (1) in relation to relevant young adults, a [<sup>F3</sup>local authority] must have regard to what they are required to do under section 15ZA(1) in relation to those persons.
- (6) In considering whether they are required by subsection (1) to make arrangements in relation to a particular adult, a [<sup>F3</sup>local authority] must have regard (among other things) to the age of the adult and the nature of the route, or alternative routes, which the adult could reasonably be expected to take.
- (7) Arrangements made under subsection (1) by virtue of subsection (3) to facilitate full-time education or training at an institution outside both the further and higher education sectors must be no less favourable than the arrangements made for relevant young adults of the same age for whom the authority secure the provision of education at another institution.
- (8) A [<sup>F3</sup>local authority] in England may pay all or part of the reasonable travelling expenses of an adult—
  - (a) receiving education or training at an institution mentioned in subsection (2) or (3), and
  - (b) for whose transport no arrangements are made under subsection (1).
- (9) In this section—

“adult” means a person who is neither a child nor a person of sixth form age,  
“sixth form age” is to be construed in accordance with section 509AC(1),  
and  
“relevant young adult” means an adult [<sup>F20</sup>for whom an EHC plan is maintained].

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### Textual Amendments

- F3** 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))
- F19** Ss. 508F-508I inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 57(2)**, 269(4); S.I. 2010/303, art. 3, Sch. 2 (with art. 8)
- F20** Words in s. 508F(9) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 46**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))

## 508G <sup>F2</sup>[Local authorities] in England: transport policy statements etc for young adults subject to learning difficulty assessment **E+W**

- (1) A <sup>F3</sup>[local authority] in England making arrangements, or proposing to pay travelling expenses, under section 508F in relation to relevant young adults must consult—
- (a) any other <sup>F3</sup>[local authority] that they consider it appropriate to consult,
  - (b) governing bodies of institutions within the further education sector in the authority's area,
  - <sup>F21</sup>(ba) <sup>F3</sup>[proprietors of 16 to 19 Academies in the authority's area,]
  - (c) persons in the <sup>F3</sup>[local authority]'s area who will be relevant young adults when the arrangements or payments have effect, and their parents,
  - (d) the Secretary of State, and
  - (e) any other person specified by the Secretary of State.
- (2) The authority must prepare for each academic year a transport policy statement complying with the following requirements.
- (3) The statement must specify any transport or other arrangements, and any payment of travelling expenses, made or to be made in relation to the year under section 508F in relation to relevant young adults.
- (4) The statement must also specify any travel concessions (within the meaning of Part 5 of the Transport Act 1985) which are to be provided under any scheme established under section 93 of that Act to relevant young adults receiving education or training at an institution mentioned in subsection (2) or (3) of section 508F.
- (5) The authority must publish the statement by the end of May in the year in which the relevant academic year begins.
- (6) In preparing and publishing the statement, the authority must have regard (among other things) to the need to—
- (a) include in the statement sufficient information about the matters that the statement must specify, and
  - (b) publish the statement in time,
- to enable relevant young adults and their parents to take reasonable account of those matters when choosing between different institutions at which education or training is provided.
- (7) The publication of a statement under this section in relation to an academic year does not prevent an authority from—

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- (a) making additional arrangements or payments under section 508F in relation to the academic year, or
  - (b) providing additional travel concessions in relation to the academic year.
- (8) The Secretary of State may amend subsection (5) by order to change the time by which the statement must be published.
- (9) In this section—
- “academic year” has the meaning given in section 509AC,
  - “governing body” has the meaning given in section 509AC, and
  - “relevant young adult” has the meaning given in section 508F.

#### Textual Amendments

- F3** 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))
- F19** Ss. 508F-508I inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 57(2)**, 269(4); S.I. 2010/303, art. 3, Sch. 2 (with art. 8)
- F21** S. 508G(1)(ba) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 13 para. 9(12)**; S.I. 2012/924, art. 2

#### 508H Guidance: sections 508F and 508G **E+W**

In making arrangements under section 508F(1) and preparing and publishing a statement under section 508G, a [<sup>F3</sup>local authority] must have regard to any guidance issued by the Secretary of State under this section.

#### Textual Amendments

- F3** 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))
- F19** Ss. 508F-508I inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 57(2)**, 269(4); S.I. 2010/303, art. 3, Sch. 2 (with art. 8)

#### 508I Complaints about transport arrangements etc for young [<sup>F22</sup>adult for whom EHC plan is maintained]: England **E+W**

- (1) A [<sup>F3</sup>local authority] may revise a statement prepared under section 508G to change any matter specified under subsection (3) of that section if, as a result of a relevant young adult transport complaint, they have come to consider the change necessary for a purpose mentioned in section 508F(2) or (3).
- (2) A [<sup>F3</sup>local authority] must revise a statement prepared under section 508G to change any matter specified in subsection (3) of that section if, as a result of a relevant young adult transport complaint, the Secretary of State has directed them to do so.
- (3) An authority that revise a statement under subsection (1) or (2) must publish the revised statement and a description of the revision as soon as practicable.

*Status: Point in time view as at 01/09/2014.*

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- (4) The Secretary of State need not consider whether to exercise any power under sections 496 to 497A (powers to prevent unreasonable exercise of functions, etc) or subsection (2) of this section in response to a matter that is, or could have been, the subject of a relevant young adult transport complaint made to him or her unless satisfied that—
- (a) the matter has been brought to the notice of the [<sup>F3</sup>local authority] concerned, and
  - (b) the authority have had a reasonable opportunity to investigate the matter and respond.
- (5) In this section “relevant young adult transport complaint” means a complaint that is—
- (a) about a [<sup>F3</sup>local authority]’s exercise of, or failure to exercise, a function under section 508F or 508G in relation to relevant young adults, and
  - (b) made by a person who is, or will be, a relevant young adult when the matter complained of has effect, or by a parent of such a person,
- and “relevant young adult” has the meaning given in section 508F.
- (6) For the purposes of sections 508G(7) and 508H, the revision of a statement under this section is to be treated as the preparation of a statement under section 508G.
- (7) Where a [<sup>F3</sup>local authority] have published in a single document a statement prepared under section 509AA and a statement prepared under 508G, the requirement to publish a revised statement under subsection (3) is to be treated as a requirement to publish a version of the document that includes the revised statement.]

#### Textual Amendments

- F3** 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))
- F19** Ss. 508F-508I inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 57(2)**, 269(4); S.I. 2010/303, art. 3, Sch. 2 (with art. 8)
- F22** Words in s. 508I title substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 47**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))

<sup>F24</sup>**509** [<sup>F23</sup>LEAs in Wales: provision] of transport etc. **E+W**

.....

#### Textual Amendments

- F23** Words in s. 509 heading substituted (1.9.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 10 para. 4(7)**; S.I. 2007/1801, art. 4(1) (with art. 5(1))
- F24** S. 509 repealed (1.9.2009 for W.) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), Sch. 2; S.I. 2009/371, art. 2(2), **Sch. Pt. 2**; and (1.4.2010 for all remaining purposes) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), ss. 57(4), 269(4), **Sch. 16 Pt. 1**; S.I. 2010/303, art. 3, **Sch. 2** (with art. 8)



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**[<sup>F25</sup>509A<sup>F26</sup> [<sup>F27</sup>Local authorities] in England: provision] of transport etc. for persons of sixth form age **E+W****

- (1) A [<sup>F3</sup>local authority][<sup>F27</sup> in England] shall prepare for each academic year a transport policy statement complying with the requirements of this section.
- (2) The statement shall specify the arrangements for the provision of transport or otherwise that the authority consider it necessary to make for facilitating the attendance of persons of sixth form age receiving education or training—
  - (a) at schools,
  - (b) at any institution maintained or assisted by the authority which provides further education or higher education (or both),
  - (c) at any institution within the further education sector,<sup>F28</sup> ...  
[<sup>F29</sup>(ca) at any 16 to 19 Academy, or]
  - (d) at any establishment (not falling within paragraph (b)[<sup>F30</sup>, (c) or (ca)]) [<sup>F31</sup>at which the authority secures the provision of education or training under section 15ZA(1)]<sup>F32</sup> ... .
- (3) The statement shall specify the arrangements that the authority consider it necessary to make for the provision of financial assistance in respect of the reasonable travelling expenses of persons of sixth form age receiving education or training at any establishment such as is mentioned in subsection (2).
- (4) The statement shall specify the arrangements proposed to be made by the governing bodies of—
  - (a) schools maintained by the authority at which education suitable to the requirements of persons over compulsory school age is provided, and
  - (b) institutions within the further education sector in the authority's area,for the provision of transport for facilitating the attendance of persons of sixth form age receiving education or training at the schools and institutions and for the provision of financial assistance in respect of the travelling expenses of such persons.
- (5) Those governing bodies shall co-operate in giving the [<sup>F3</sup>local authority] any information and other assistance that is reasonably required by the authority for the performance of their functions under this section and section 509AB.
- (6) The statement shall specify any travel concessions (within the meaning of Part 5 of the Transport Act 1985 (c. 67)) which are to be provided under any scheme established under section 93 of that Act to persons of sixth form age receiving education at any establishment such as is mentioned in subsection (2) above in the authority's area.
- (7) The authority shall—
  - (a) publish the statement, in a manner which they consider appropriate, on or before 31st May in the year in which the academic year in question begins, and
  - (b) make, and secure that effect is given to, any arrangements specified under subsections (2) and (3).
- (8) Nothing in this section prevents a [<sup>F3</sup>local authority] from making, at any time in an academic year, arrangements—
  - (a) which are not specified in the transport policy statement published by the authority for that year, but



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- (b) which they have come to consider necessary for the purposes mentioned in subsections (2) and (3).
- (9) The [<sup>F33</sup>Secretary of State may, if he] considers it expedient to do so, direct a [<sup>F3</sup>local authority] to make for any academic year—
- (a) arrangements for the provision of transport or otherwise for facilitating the attendance of persons of sixth form age receiving education or training at establishments such as are mentioned in subsection (2), or
- (b) arrangements for providing financial assistance in respect of the reasonable travelling expenses of such persons,
- which have not been specified in the transport policy statement published by the authority for that academic year.
- <sup>F34</sup>(9A) . . . . .
- (10) The Secretary of State <sup>F35</sup>... may by order amend subsection (7)(a) [<sup>F36</sup>to change the time by which the statement must be published] .]
- [<sup>F37</sup>(11) Subsection (9) is subject to section 509AE (complaints about transport arrangements etc for persons of sixth form age in England).]

#### Textual Amendments

- F3** 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))
- F25** S. 509AA inserted (20.1.2003 for E., 1.9.2003 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 19 para. 3** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II
- F26** Words in s. 509AA title substituted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 2 para. 10(1)**; S.I. 2009/3317, art. 2, Sch.
- F27** Words in s. 509AA(1) inserted (6.3.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), s. 28(2), **Sch. 1 para. 4(2)(a)**; S.I. 2009/371, art. 2(1), Sch. Pt. 1
- F28** Word in s. 509AA(2)(c) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(13)(a)**; S.I. 2012/924, art. 2
- F29** S. 509AA(2)(ca) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(13)(a)**; S.I. 2012/924, art. 2
- F30** Words in s. 509AA(2)(d) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(13)(b)**; S.I. 2012/924, art. 2
- F31** Words in s. 509AA(2)(d) substituted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), art. 1(2)(a), **Sch. 1 para. 29** (with art. 2(3))
- F32** Words in s. 509AA(2)(d) repealed (6.3.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), s. 28(2), Sch. 1 para. 4(2)(b), **Sch. 2**; S.I. 2009/371, art. 2(1), Sch. Pt. 1
- F33** Words in s. 509AA(9) substituted (6.3.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), s. 28(2), **Sch. 1 para. 4(2)(c)**; S.I. 2009/371, art. 2(1), Sch. Pt. 1
- F34** S. 509AA(9A) repealed (6.3.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), s. 28(2), Sch. 1 para. 4(2)(d), **Sch. 2**; S.I. 2009/371, art. 2(1), Sch. Pt. 1
- F35** Words in s. 509AA(10) repealed (6.3.2009) by Learner Travel (Wales) Measure 2008 (nawm 2), s. 28(2), Sch. 1 para. 4(2)(e), **Sch. 2**; S.I. 2009/371, art. 2(1), Sch. Pt. 1
- F36** Words in s. 509AA(10) substituted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 55(2)**, 269(4); S.I. 2009/3317, art. 2, Sch. (with art. 3)
- F37** S. 509AA(11) inserted (12.1.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 56(3)**, 269(4); S.I. 2009/3317, art. 2, Sch. (with art. 3)

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**[<sup>F38</sup>509A<sup>F39</sup>]<sup>F2</sup> [Local authorities] in England: further provision about transport policy statements for persons of sixth form age] **E+W****

- (1) A statement prepared under section 509AA shall state to what extent arrangements specified in accordance with subsection (2) of that section include arrangements for facilitating the attendance at establishments such as are mentioned in that subsection of disabled persons and persons with learning difficulties [<sup>F40</sup>or disabilities].
- (2) A statement prepared under that section shall—
  - (a) specify arrangements for persons receiving full-time education or training at establishments other than schools maintained by the [<sup>F3</sup>local authority] which are no less favourable than the arrangements specified for pupils of the same age attending such schools, and
  - (b) specify arrangements for persons with learning difficulties [<sup>F41</sup>or disabilities] receiving education or training at establishments other than schools maintained by the authority which are no less favourable than the arrangements specified for pupils of the same age with learning difficulties [<sup>F41</sup>or disabilities] attending such schools.
- (3) In considering what arrangements it is necessary to make for the purposes mentioned in subsections (2) and (3) of section 509AA the [<sup>F3</sup>local authority] shall have regard (amongst other things) to—
  - (a) the needs of those for whom it would not be reasonably practicable to attend a particular establishment to receive education or training if no arrangements were made,
  - (b) the need to secure that persons in their area have reasonable opportunities to choose between different establishments at which education or training is provided,
  - <sup>F42</sup>(ba) [ what they are required to do under section 15ZA(1) in relation to persons of sixth form age,]
  - (c) the [<sup>F43</sup>distances, and journey times, between] the homes of persons of sixth form age in their area [<sup>F44</sup>and establishments] such as are mentioned in section 509AA(2) at which education or training suitable to their needs is provided, and
  - (d) the cost of transport to the establishments in question and of any alternative means of facilitating the attendance of persons receiving education or training there.

<sup>F45</sup>(3A) [ In considering whether or not it is necessary to make arrangements for those purposes in relation to a particular person, a [<sup>F3</sup>local authority] in England shall have regard (amongst other things) to the nature of the route, or alternative routes, which he could reasonably be expected to take.]

<sup>F46</sup>(4) .....

(5) In preparing a statement under section 509AA a [<sup>F3</sup>local authority] shall have regard to any guidance issued [<sup>F47</sup>under this section by the [<sup>F48</sup>Secretary of State].]

- (6) In preparing a statement under that section a [<sup>F3</sup>local authority] shall consult—
  - (a) any other [<sup>F3</sup>local authority] that they consider it appropriate to consult,
  - (b) the governing bodies mentioned in subsection (4) of that section,
  - <sup>F49</sup>(c) .....

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- [<sup>F50</sup>(ca) persons in the local authority's area who will be of sixth form age when the statement has effect, and their parents,]
- (d) any other person specified [<sup>F51</sup>for the purposes of this section by the [<sup>F52</sup>Secretary of State]<sup>F53</sup> ...]
- (7) In preparing a statement under that section a [<sup>F3</sup>local authority] shall also consult—
- (a) where they are [<sup>F54</sup>a district council for an area] in a metropolitan county, the [<sup>F55</sup>Integrated Transport Authority] for that county, and
- (b) where they are [<sup>F56</sup>a London borough council or the Common Council of] the City of London, Transport for London.]
- [<sup>F57</sup>(7A) In preparing and publishing a statement under section 509AA, a [<sup>F3</sup>local authority] must have regard (among other things) to the need to—
- (a) include in the statement sufficient information about the matters that the statement must specify, and
- (b) publish the statement in time,
- to enable persons who will be of sixth form age when the statement has effect and their parents to take reasonable account of those matters when choosing between different establishments at which education or training is provided.]
- <sup>F58</sup>(8) .....

#### Textual Amendments

- F3** 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))
- F38** S. 509AB inserted (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 19 para. 4** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II
- F39** Words in s. 509AB title substituted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 2 para. 10(2)**; S.I. 2009/3317, art. 2, Sch.
- F40** Words in s. 509AB(1) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 48(2)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F41** Words in s. 509AB(2)(b) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 48(3)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F42** S. 509AB(3)(ba) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 53**, 269(4); S.I. 2010/303, art. 3, Sch. 2
- F43** Words in s. 509AB(3)(c) substituted (7.3.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 83(a)**, 173(4); S.I. 2009/387, art. 3(1) (with art. 3(2))
- F44** Words in s. 509AB(3)(c) substituted (7.3.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 83(b)**, 173(4); S.I. 2009/387, art. 3(1) (with art. 3(2))
- F45** S. 509AB(3A) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 10 para. 5(a)**; S.I. 2007/935, art. 5(ee)
- F46** S. 509AB(4) repealed (6.3.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), Sch. 1 para. 4(3)(a), **Sch. 2**; S.I. 2009/371, art. 2(1), Sch. Pt. 1
- F47** Words in s. 509AB(5) substituted (6.3.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), **Sch. 1 para. 4(3)(b)**; S.I. 2009/371, art. 2(1), Sch. Pt. 1
- F48** Words in s. 509AB(5) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 30(a)** (with art. 2(3))

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- F49** S. 509AB(6)(c) repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 30(b), **Sch. 2 Pt. 1** (with art. 2(3))
- F50** S. 509AB(6)(ca) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 54**, 269(4); S.I. 2010/303, art. 3, Sch. 2 (with art. 8)
- F51** Words in s. 509AB(6)(d) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 83(2)(b)**, 188(3); S.I. 2007/935, art. 5(o) (with art. 8(7))
- F52** Words in s. 509AB(6)(d) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 30(c)** (with art. 2(3))
- F53** Words in s. 509AB(6)(d) repealed (6.3.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), Sch. 1 para. 4(3)(c)(ii), **Sch. 2**; S.I. 2009/371, art. 2(1), Sch. Pt. 1
- F54** Words in s. 509AB(7)(a) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 7(11)(a)**
- F55** Words in s. 509AB(7)(a) substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), Sch. 4 paragraph 60(2).
- F56** Words in s. 509AB(7)(b) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 7(11)(b)**
- F57** S. 509AB(7A) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 55(1)**, 269(4); S.I. 2009/3317, art. 2, Sch. (with art. 3)
- F58** S. 509AB(8) repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 30(d), **Sch. 2 Pt. 1** (with art. 2(3))

### **[<sup>F59</sup>509A Interpretation of sections 509AA and 509AB E+W**

- (1) For the purposes of sections 509AA and 509AB a person receiving education or training at an establishment is of sixth form age if he is over compulsory school age but—
  - (a) is under the age of 19, or
  - (b) has begun a particular course of education or training at the establishment before attaining the age of 19 and continues to attend that course.

<sup>F60</sup>(2) .....

<sup>F61</sup>(3) .....

- (4) References in section 509AB to persons with learning difficulties [<sup>F62</sup>or disabilities] are to be construed in accordance with [<sup>F63</sup>section 15ZA(6) and (7)].

- (5) In sections 509AA and 509AB and this section—
  - “academic year” means any period commencing with 1st August and ending with the next 31st July;
  - “disabled person” has the same meaning as in the [<sup>F64</sup>Equality Act 2010];
  - “establishment” means an establishment of any kind, including a school or institution;
  - “governing body”, in relation to an institution within the further education sector, has the same meaning as in the Further and Higher Education Act 1992.

- (6) The Secretary of State may by order amend the definition of “academic year” in subsection (5) <sup>F65</sup>...

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F66(...) .....

#### Textual Amendments

- F59** S. 509AC inserted (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 19 para. 5** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II
- F60** S. 509AC(2) repealed (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a)(b), Sch. 1 para. 31(a), **Sch. 2 Pt. 1** (with art. 2(3))
- F61** S. 509AC(3) repealed (6.3.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), Sch. 1 para. 4(4)(a), **Sch. 2**; S.I. 2009/371, art. 2(1), Sch. Pt. 1
- F62** Words in s. 509AC(4) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 49**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F63** Words in s. 509AC(4) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(2)(a), **Sch. 1 para. 31(b)** (with art. 2(3))
- F64** Words in s. 509AC(5) substituted by 2010 c. 15, Sch. 26 Pt. 1 para. 38 (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)
- F65** Words in s. 509AC(6) repealed (6.3.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), Sch. 1 para. 4(4)(b), **Sch. 2**; S.I. 2009/371, art. 2(1), Sch. Pt. 1
- F66** S. 509AC(7) repealed (6.3.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), Sch. 1 para. 4(4)(c), **Sch. 2**; S.I. 2009/371, art. 2(1), Sch. Pt. 1

#### [<sup>F67</sup>509A]<sup>F2</sup>Local authorities] in England: duty to have regard to religion or belief in exercise of travel functions **E+W**

- (1) A [<sup>F3</sup>local authority] in England must have regard, amongst other things, in exercising any of their travel functions in relation to or in connection with the travel of a person or persons to or from a school, institution or other place,
- [<sup>F68</sup>(a) to any wish of a parent of such a person for him to be provided with education or training at a particular school, institution or other place where that wish is based on the parent's religion or belief, and
- (b) in a case where the person in question (or any of the persons in question) is of sixth form age (within the meaning given in section 509AC(1)), to any wish of that person to be provided with education or training at a particular school, institution or other place where that wish is based on the person's religion or belief.]
- (2) The “travel functions” of a [<sup>F3</sup>local authority] in England are their functions under any of the following provisions—
- section 508A (duty to promote sustainable modes of travel etc);
  - section 508B (travel arrangements for eligible children);
  - section 508C (travel arrangements etc for other children);
  - section 508E and Schedule 35C (school travel schemes);
  - [<sup>F69</sup>section 508F ([<sup>F2</sup>local authorities] in England: provision of transport etc for adult learners);]
  - section 509AA (transport etc for persons of sixth form age).



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- (3) For the purposes of this section—
- (a) “religion” means any religion,
  - (b) “belief” means any religious or philosophical belief,
  - (c) a reference to religion includes a reference to lack of religion, and
  - (d) a reference to belief includes a reference to lack of belief.]

#### Textual Amendments

- F3** 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))
- F67** S. 509AD inserted (1.4.2007 for specified purposes, 1.9.2007 for specified purposes) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 84**, 188(3); S.I. 2007/935, art. 5(p); S.I. 2007/1801, art. 4(e)
- F68** Words in s. 509AD(1) substituted (7.3.2009) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 84**, 173(4); S.I. 2009/387, art. 3(1) (with art. 3(3))
- F69** Words in s. 509AD(2) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 57(3)**, 269(4); S.I. 2010/303, art. 3, Sch. 2 (with art. 8)

#### [<sup>F70</sup>509AE Complaints about transport arrangements etc for persons of sixth form age in England **E+W**

- (1) A [<sup>F3</sup>local authority] may revise a statement prepared under section 509AA to change the arrangements specified under subsection (2) or (3) of that section if, as a result of a sixth form transport complaint, they have come to consider the change necessary for the purpose of the arrangements specified under the subsection in question.
- (2) A [<sup>F3</sup>local authority] must revise a statement prepared under section 509AA to change the arrangements specified under subsection (2) or (3) of that section if, as a result of a sixth form transport complaint, the Secretary of State has directed them to do so.
- (3) An authority that revise a statement under subsection (1) or (2) must publish the revised statement and a description of the revision as soon as practicable.
- (4) The Secretary of State need not consider whether to exercise any power under sections 496 to 497A (powers to prevent unreasonable exercise of functions, etc), section 509AA(9) (power to require [<sup>F3</sup>local authority] to make additional transport arrangements), or subsection (2) of this section in response to a matter that is, or could have been, the subject of a sixth form transport complaint made to him or her unless satisfied that—
  - (a) the matter has been brought to the notice of the [<sup>F3</sup>local authority] concerned, and
  - (b) the authority have had a reasonable opportunity to investigate the matter and respond.
- (5) In this section “sixth form transport complaint” means a complaint that is—
  - (a) about a [<sup>F3</sup>local authority]’s exercise of, or failure to exercise, a function under sections 509AA to 509AD in relation to persons of sixth form age, and
  - (b) made by a person who is, or will be, a person of sixth form age when the matter complained of has effect, or by a parent of such a person,and “sixth form age” is to be construed in accordance with section 509AC(1).

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- (6) For the purposes of sections 509AA(8) and (9), 509AB(1) to (5), 509AC and 509AD, the revision of a statement under this section is to be treated as the preparation of a statement under section 509AA.
- (7) Where a [<sup>F3</sup>local authority] have published in a single document a statement prepared under section 508G and a statement prepared under 509AA, the requirement to publish a revised statement under subsection (3) is to be treated as a requirement to publish a version of the document that includes the revised statement.]

#### Textual Amendments

- F3** 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))
- F70** S. 509AE inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 56(2), 269(4)**; S.I. 2009/3317, art. 2, Sch. (with art. 3)

#### [<sup>F73</sup>509A][<sup>F71</sup>[<sup>F2</sup>Local authorities] in England: travel ] arrangements for children receiving [<sup>F72</sup>early years education] otherwise than at school. **E+W**

- (1) A [<sup>F3</sup>local authority][<sup>F74</sup> in England] may provide a child with assistance under this section if they are satisfied that, without such assistance, he would be prevented from attending at any premises—
- (a) which are not a school or part of a school, but
  - (b) at which relevant [<sup>F75</sup>early years education] is provided,
- for the purpose of receiving such education there.
- (2) The assistance which may be provided for a child under this section consists of either—
- (a) making arrangements (whether for the provision of transport or otherwise) for the purpose of facilitating the child's attendance at the premises concerned, or
  - (b) paying the whole or any part of his reasonable travel expenses.
- (3) When considering whether to provide a child with assistance under this section in connection with his attendance at any premises, a [<sup>F3</sup>local authority] may have regard (among other things) to whether it would be reasonable to expect alternative arrangements to be made for him to receive relevant [<sup>F76</sup>early years education] at any other premises (whether nearer to his home or otherwise).
- (4) Where the assistance to be provided for a child under this section consists of making arrangements for the provision of transport, the authority may, if they consider it appropriate to do so, determine that the assistance shall not be so provided unless—
- (a) the child's parent, or
  - (b) the person providing the relevant [<sup>F76</sup>early years education] concerned,
- agrees to make to the authority such payments in respect of the provision of the transport (not exceeding the cost to the authority of its provision) as they may determine.
- [ Regulations [<sup>F78</sup> made by the Secretary of State] may require a [<sup>F3</sup>local authority] to
- <sup>F77</sup>(4A) publish, at such times and in such manner as may be prescribed, such information as



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may be prescribed with respect to the authority’s policy and arrangements relating to the making of provision under this section.]

[<sup>F79</sup>(5) In this section “relevant early years education” means—

(a) <sup>F80</sup>... early years provision as defined by section 20 of the Childcare Act 2006 which is provided under arrangements made by a local authority in England in pursuance of the duty imposed by section 7 of that Act (whether or not the local authority provides the early years provision);

<sup>F81</sup>(b) .....]]

### Textual Amendments

- F3** 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))
- F71** Words in s. 509A title substituted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 2 para. 10(3)**; S.I. 2009/3317, art. 2, Sch.
- F72** Words in s. 509A heading substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 23(a)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F73** S. 509A inserted (1.4.1999) by [1998 c. 31](#), s. 124 (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch. 1 Pt. IV**
- F74** Words in s. 509A(1) inserted (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), **Sch. 1 para. 4(5)(a)**; S.I. 2009/371, art. 2(2), Sch. Pt. 2
- F75** Words in s. 509A(1)(b) substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 23(a)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F76** Words in s. 509A(3) and 509A(4)(b) substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 23(a)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F77** S. 509A(4A) inserted (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 19 para. 6** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II
- F78** Words in s. 509A(4A) inserted (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), **Sch. 1 para. 4(5)(b)**; S.I. 2009/371, art. 2(2), Sch. Pt. 2
- F79** S. 509A(5) substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 23(b)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F80** Words in s. 509A(5)(a) repealed (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), Sch. 1 para. 4(5)(c), **Sch. 2**; S.I. 2009/371, art. 2(2), Sch. Pt. 2
- F81** S. 509A(5)(b) repealed (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), Sch. 1 para. 4(5)(c), **Sch. 2**; S.I. 2009/371, art. 2(2), Sch. Pt. 2

## 510 Provision of clothing. **E+W**

(1) A [<sup>F3</sup>local authority] may provide clothing for—

- (a) any pupil who is a boarder at an educational institution maintained by the authority [<sup>F82</sup>or at a grant-maintained school],
- (b) any pupil at a nursery school maintained by the authority, and
- (c) any pupil in a nursery class at a school maintained by the authority [<sup>F82</sup>or at a grant-maintained school].

(2) A [<sup>F3</sup>local authority] may also provide clothing for any pupil—

- (a) for whom they are providing board and lodging elsewhere than at an educational institution maintained by them, and

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- (b) for whom special educational provision is made in pursuance of arrangements made by them.
- (3) Where it appears to a <sup>F3</sup>local authority], in a case where neither subsection (1) nor subsection (2) applies, that a pupil at—
- (a) a school maintained by them <sup>F83</sup>or a grant-maintained school], or
  - (b) a special school (whether maintained by them or not),
- is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, the authority may provide him with such clothing as in their opinion is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.
- (4) A <sup>F3</sup>local authority] may provide—
- (a) for pupils at a school maintained by them <sup>F84</sup>, at a grant-maintained school] or at an institution maintained by them which provides further education or higher education (or both),
  - (b) for persons who have not attained the age of 19 and who are receiving education at an institution within the further education sector <sup>F85</sup>or a 16 to 19 Academy], and
  - (c) for persons who make use of facilities for physical training <sup>F86</sup>secured by the authority under section 507A or 507B (if the authority are in England) or made available by the authority for such persons under section 508(2) (if the authority are in Wales)] ,
- such articles of clothing as the authority may determine suitable for the physical training provided at that school or institution or under those facilities.
- (5) A <sup>F3</sup>local authority] may—
- (a) with the consent of the proprietor of a school not maintained by the authority, other than a <sup>F87</sup>grant-maintained school or] special school, and
  - (b) on such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor,
- make arrangements, in the case of any pupil at the school who is unable by reason of the inadequacy or unsuitability of his clothing to take full advantage of the education provided at the school, for securing for the pupil the provision of such clothing as is necessary for the purpose of ensuring that he is sufficiently and suitably clad while he remains a pupil at the school.
- (6) Any arrangements made under subsection (5) shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any article under the arrangements does not exceed the expense which would have been incurred by them in the provision of it if the pupil had been a pupil at a school maintained by them.

#### Textual Amendments

- F3** 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\(4\)\(5\)](#))
- F82** Words in s. 510(1)(a)(c) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para. 134\(a\)](#), **Sch.31** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323](#), art. 2(1), **Sch. 1**.
- F83** Words in s. 510(3)(a) repealed (1.9.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para. 134\(b\)](#), **Sch.31** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1999/2323](#), art. 2(1), **Sch. 1**.

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- F84** Words in s. 510(4)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 134(c), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F85** Words in s. 510(4)(b) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 9(14)**; S.I. 2012/924, art. 2
- F86** Words in s. 510(4)(c) substituted (8.1.2007) by Education and Inspections Act 2006 (c. 40), s. 188(2), **Sch. 1 para. 5**
- F87** Words in s. 510(5)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 134(d), **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

## 511 Provisions supplementary to section 510. **E+W**

- (1) Provision of clothing under section 510 may be made in such way as to confer either a right of property in the clothing or a right of user only (at the option of the providing authority), except in any circumstances for which the adoption of one or other of those ways of making such provision is prescribed.
- (2) Where a [<sup>F3</sup>local authority] have provided a person with clothing under section 510, then, in such circumstances respectively as may be prescribed—
  - (a) the authority shall require his parent to pay to them in respect of its provision such sum (if any) as in their opinion he is able to pay without financial hardship, not exceeding the cost to the authority of its provision;
  - (b) the authority may require his parent to pay to them in respect of its provision such sum as is mentioned in paragraph (a) or any lesser sum; or
  - (c) his parent shall not be required to pay any sum in respect of its provision.
- (3) Any sum which a parent is duly required to pay by virtue of subsection (2)(a) or (b) may be recovered summarily as a civil debt.
- (4) Where a person who has attained the age of 18 (other than a registered pupil at a school) is provided with clothing under section 510, any reference in subsection (2) or (3) to his parent shall be read as a reference to him.

### Textual Amendments

- F3** 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))

## [<sup>F88</sup>512 [<sup>F3</sup>Local authority]functions concerning provision of meals, etc. **E+W**

- (1) A [<sup>F3</sup>local authority] may provide—
  - (a) registered pupils at any school maintained by the authority,
  - (b) other persons who receive education at such a school, and
  - (c) children who receive [<sup>F89</sup>relevant funded early years education] ,  
with milk, meals and other refreshments.
- (2) Where provision is made under subsection (1), it shall be made—
  - (a) in a case within paragraph (a) or (b) of that subsection, either on the school premises or at any other place where education is being provided, and
  - (b) in a case within paragraph (c) of that subsection, at any place where education is being provided.

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- (3) A [F3local authority] shall exercise their power under subsection (1) to provide school lunches for any person within paragraph (a) or (c) of that subsection if—
- (a) any prescribed requirements are met,
  - (b) a request for the provision of school lunches has been made by or on behalf of that person to the authority, and
  - (c) either—
    - (i) that person is eligible for free lunches (within the meaning of section 512ZB(2)), or
    - (ii) in the case of a person within subsection (1)(a), it would not be unreasonable for the authority to provide the lunches.
- (4) Subject to [F90section 114A(4) of the School Standards and Framework Act 1998 (requirements for food and drink provided on school premises etc] , any school lunches provided by a [F3local authority][F91in England] pursuant to subsection (3) may take such form as the authority think fit.
- [F92(4A) Subject to section 4 of the Healthy Eating in Schools (Wales) Measure 2009, any school lunches provided by a local authority in Wales pursuant to subsection (3) may take such form as the authority think fit.]
- (5) A [F3local authority] shall provide at any school maintained by them such facilities as they consider appropriate for the consumption of any meals or other refreshment brought to the school by registered pupils.
- (6) In this section—
- “prescribed” means prescribed by the Secretary of State by order;
- [F93“relevant funded early years education”, in relation to a [F3local authority] in England, means early years provision as defined by section 20 of the Childcare Act 2006 which is provided by a person, other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school, under arrangements made by a local authority in pursuance of the duty imposed by section 7 of the 2006 Act (duty to secure prescribed early years provision free of charge);
- “relevant funded early years education”, in relation to a [F3local authority] in Wales, means education provided by a person other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school—
- (a) under arrangements made with that person by the authority in pursuance of the duty imposed on the authority by section 118 of that Act (duty of [F3local authority] to secure sufficient nursery education), and
  - (b) in consideration of financial assistance provided by the authority under those arrangements.]
- “school lunch”—
- (a) in relation to a pupil, means food made available for consumption by the pupil as his midday meal on a school day, and
  - (b) in relation to a child receiving relevant funded nursery education at an establishment other than a school, means food made available for consumption by the child as his midday meal on a day on which he receives that education,
- whether involving a set meal or the selection of items by him or otherwise;

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and references, in relation to a <sup>F3</sup>local authority], to a school maintained by the authority are to a community, foundation or voluntary school, a community or foundation special school, a maintained nursery school or a pupil referral unit maintained by the authority.]

#### Textual Amendments

- F3** 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))
- F88** Ss. 512-512ZB substituted for s. 512 (31.3.2003 for W. for specified purposes, 6.4.2003 for E. for specified purposes) by [Education Act 2002 \(c. 32\)](#), **ss. 201(1)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, **art. 5**, **Sch. Pt. II**; S.I. 2003/124, **art. 5** (with art. 6)
- F89** Words in s. 512(1)(c) substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 24(a)**; S.I. 2008/2261, **art. 2** (with Sch. 1)
- F90** Words in s. 512(4) substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 86(2)**, 188(1) (with s. 86(3))
- F91** Words in s. 512(4) inserted (2.9.2013) by [Healthy Eating in Schools \(Wales\) Measure 2009 \(nawm 3\)](#), **ss. 8(2)(a)**, 12(3); S.I. 2013/1985, **art. 2(b)**
- F92** S. 512(4A) inserted (2.9.2013) by [Healthy Eating in Schools \(Wales\) Measure 2009 \(nawm 3\)](#), **ss. 8(2)(b)**, 12(3); S.I. 2013/1985, **art. 2(b)**
- F93** Words in s. 512(6) substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 24(b)**; S.I. 2008/2261, **art. 2** (with Sch. 1)

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

- C3** S. 512: certain functions transferred (with modifications) (1.4.1999) by [S.I. 1999/610](#), **arts. 2, 3**

#### <sup>F88</sup>512ZA<sup>F94</sup>Power] to charge for meals etc. **E+W**

(1) A <sup>F3</sup>local authority]<sup>F95</sup>may] charge for anything provided by them under subsection (1) or (3) of section 512.

<sup>F96</sup>[ Where a local authority <sup>F97</sup>in England] exercise the power to charge under subsection (1), the price they charge for an item must not exceed the cost of providing that item.]

<sup>F98</sup>(2) <sup>F99</sup>[Where a <sup>F3</sup>local authority] exercise the power to charge under subsection (1), they must] charge every person the same price for the same quantity of the same item.]

(3) This section is subject to section 512ZB.

#### Textual Amendments

- F3** 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))
- F88** Ss. 512-512ZB substituted for s. 512 (31.3.2003 for W. for specified purposes, 6.4.2003 for E. for specified purposes) by [Education Act 2002 \(c. 32\)](#), **ss. 201(1)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, **art. 5**, **Sch. Pt. II**; S.I. 2003/124, **art. 5** (with art. 6)
- F94** Word in s. 512ZA heading substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 87(1)(c)**, 188(1)

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- F95** Word in s. 512ZA(1) substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\), ss. 87\(1\)\(a\)](#), 188(1)
- F96** S. 512ZA(1A) inserted (1.2.2012) by [Education Act 2011 \(c. 21\), ss. 35\(2\)\(a\)](#), 82(3); S.I. 2012/84, art. 3
- F97** Words in s. 512ZA(1A) omitted (4.5.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\), ss. 91\(2\)\(a\)](#), 100(3)
- F98** S. 512ZA(2) omitted (4.5.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\), ss. 91\(2\)\(b\)](#), 100(3)
- F99** Words in s. 512ZA(2) substituted (8.11.2006) by [Education and Inspections Act 2006 \(c. 40\), ss. 87\(1\)\(b\)](#), 188(1)

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

- C4** S. 512ZA(1)(2) modified (temp. until 31.3.2007) (31.3.2004) by [The Kingston-upon-Hull City Council \(School Meals\) Order 2004 \(S.I. 2004/592\)](#), arts. 1(1), 2

**512ZB Provision of free school lunches and milk** E+W

- (1) Where the [<sup>F3</sup>local authority] provide a school lunch in accordance with section 512(3) to a person who is eligible for free lunches, the authority shall provide the meal free of charge.
- (2) For this purpose a person is eligible for free lunches if—
- (a) he is within subsection (4) [<sup>F100</sup>or (4A) (or both)], and
  - (b) a request that the school lunches be provided free of charge has been made by him or on his behalf to the authority.
- (3) Where a [<sup>F3</sup>local authority] exercise their power under subsection (1) of section 512 to provide a person within paragraph (a) or (c) of that subsection with milk, the authority shall provide the milk free of charge if—
- (a) the person is within subsection (4), and
  - (b) a request that the milk be provided free of charge has been made by him or on his behalf to the authority.
- (4) A person [<sup>F101</sup>“C”] is within this subsection if—
- (a) [<sup>F102</sup>C's parent] is—
    - [ in receipt of universal credit in such circumstances as may be
    - <sup>F103</sup>(ai) prescribed for the purposes of this paragraph, or]
    - (i) in receipt of income support,
    - (ii) in receipt of an income-based jobseeker's allowance (payable under the Jobseekers Act 1995 (c. 18)),
    - [ in receipt of an income-related employment and support
    - <sup>F104</sup>(ia) allowance,][<sup>F105</sup>or]
    - (iii) in receipt of support provided under Part 6 of the Immigration and Asylum Act 1999 (c. 33), or
    - <sup>F106</sup>(iv) .....
  - <sup>F107</sup>(aa) [ C meets any conditions prescribed for the purposes of this paragraph and C's parent is, in such circumstances as may be so prescribed—
    - (i) in receipt of any benefit or allowance not falling within paragraph (a) that is so prescribed, or
    - (ii) entitled to any tax credit under the Tax Credits Act 2002 or element of such a tax credit, that is so prescribed, or]

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- (b) <sup>F108</sup>C is—
- [ in receipt of universal credit in such circumstances as may be
  - <sup>F109</sup>(ai) prescribed for the purposes of this paragraph, or]
  - (i) in receipt of income support,
  - (ii) in receipt of an income-based jobseeker’s allowance, <sup>F110</sup>or]
  - [ in receipt of an income-related employment and support allowance,]
  - <sup>F111</sup>(ii a)
  - <sup>F112</sup>(iii) . . . . .
- <sup>F113</sup>[ C meets any conditions prescribed for the purposes of this paragraph and is—
- (c) (i) in receipt of any benefit or allowance not falling within paragraph (b) that is so prescribed, or
  - (ii) entitled to any tax credit under the Tax Credits Act 2002 or element of such a tax credit, that is so prescribed.]
- <sup>F113</sup>[ C meets any conditions prescribed for the purposes of this paragraph and is—
- (c) (i) in receipt of any benefit or allowance not falling within paragraph (b) that is so prescribed, or
  - (ii) entitled to any tax credit under the Tax Credits Act 2002 or element of such a tax credit, that is so prescribed.]
- <sup>F114</sup>[ A person is within this subsection if the person—
- (4A) (a) is a registered pupil at a maintained school or pupil referral unit in England, and
- (b) is in reception, year 1, year 2 or any other prescribed year group at the school.
- (4B) The Secretary of State may by order provide for the following to be treated as persons within subsection (4A)—
- (a) registered pupils, or any description of registered pupils, at a maintained nursery school in England;
  - (b) children, or any description of children, who receive relevant funded early years education, or any description of such education, in England.
- (4C) In subsection (4A)—
- “maintained school” means—
  - (a) a community, foundation or voluntary school, or
  - (b) a community or foundation special school;
  - “reception” means a year group in which the majority of children will, in the school year, attain the age of 5;
  - “year 1” means a year group in which the majority of children will, in the school year, attain the age of 6;
  - “year 2” means a year group in which the majority of children will, in the school year, attain the age of 7;
  - “year group” means a group of children at a school the majority of whom will, in a particular school year, attain the same age.]
- (5) In this section “prescribed”<sup>F115</sup>, “relevant funded early years education”] and “school lunch” have the same meaning as in section 512.]



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### Textual Amendments

- F3** 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))
- F88** Ss. 512-512ZB substituted for s. 512 (31.3.2003 for W. for specified purposes, 6.4.2003 for E. for specified purposes) by [Education Act 2002 \(c. 32\)](#), **ss. 201(1)**, 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, **art. 5**, **Sch. Pt. II**; S.I. 2003/124, **art. 5** (with art. 6)
- F100** Words in s. 512ZB(2)(a) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 106(2)(a)**, 139(6); S.I. 2014/889, **art. 7(d)**
- F101** Word in s. 512ZB(4) inserted (25.5.2010) by [Child Poverty Act 2010 \(c. 9\)](#), **ss. 26(1)(a)**, 31(2)
- F102** Words in s. 512ZB(4)(a) substituted (25.5.2010) by [Child Poverty Act 2010 \(c. 9\)](#), **ss. 26(1)(b)(i)**, 31(2)
- F103** S. 512ZB(4)(a)(ai) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 39(a)**; S.I. 2013/983, **art. 3(1)(b)(i)**
- F104** S. 512ZB(4)(a)(iia) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 16(3)**; S.I. 2008/787, **art. 2(4)(f)**
- F105** Word in s. 512ZB(4)(a)(iia) inserted (25.5.2010) by [Child Poverty Act 2010 \(c. 9\)](#), **ss. 26(1)(b)(ii)**, 31(2)
- F106** S. 512ZB(4)(a)(iv) omitted (25.5.2010) by virtue of [Child Poverty Act 2010 \(c. 9\)](#), **ss. 26(1)(b)(iii)**, 31(2)
- F107** S. 512ZB(4)(aa) inserted (25.5.2010) by [Child Poverty Act 2010 \(c. 9\)](#), **ss. 26(1)(c)**, 31(2)
- F108** Words in s. 512ZB(4)(b) substituted (25.5.2010) by [Child Poverty Act 2010 \(c. 9\)](#), **ss. 26(1)(d)(i)**, 31(2)
- F109** S. 512ZB(4)(b)(ai) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 39(b)**; S.I. 2013/983, **art. 3(1)(b)(i)**
- F110** Word in s. 512ZB(4)(b)(ii) inserted (25.5.2010) by [Child Poverty Act 2010 \(c. 9\)](#), **ss. 26(1)(d)(ii)**, 31(2)
- F111** S. 512ZB(4)(b)(iia) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 16(3)**; S.I. 2008/787, **art. 2(4)(f)**
- F112** S. 512ZB(4)(b)(iii) omitted (25.5.2010) by virtue of [Child Poverty Act 2010 \(c. 9\)](#), **ss. 26(1)(d)(iii)**, 31(2)
- F113** S. 512ZB(4)(c) inserted (25.5.2010) by [Child Poverty Act 2010 \(c. 9\)](#), **ss. 26(1)(e)**, 31(2)
- F114** Ss. 512ZB(4A)-(4C) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 106(2)(b)**, 139(6); S.I. 2014/889, **art. 7(d)**
- F115** Words in s. 512ZB(5) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 106(2)(c)**, 139(6); S.I. 2014/889, **art. 7(d)**

### [<sup>F116</sup>512ZB] **Protection of identity of pupils receiving free school lunches or milk** **E+W**

- (1) This section applies when a school lunch or milk is provided for a pupil in Wales free of charge by a local authority under section 512ZB or by the governing body of a maintained school by virtue of section 512A.
- (2) A local authority or governing body in Wales must take reasonable steps to ensure that the pupil cannot be identified as a pupil who receives a school lunch or milk free of charge by any person other than an authorised person.
- (3) A local authority or governing body in Wales must take reasonable steps to ensure that none of the persons mentioned in subsection (4) discloses to any person other than an authorised person the fact that the pupil receives school lunches or milk free of charge.

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- (4) The persons referred to in subsection (3) are—
- (a) a teacher in the school,
  - (b) any person (other than a teacher) who is—
    - (i) employed (whether by the local authority or by another person) in the school, or
    - (ii) working there on an unpaid basis, and
  - (c) any other person employed by the local authority or governing body.
- (5) In subsections (2) and (3), “authorised person” means—
- (a) a parent of the pupil, and
  - (b) a person mentioned in subsection (4) who is authorised by the local authority or governing body to have access to information about a pupil's entitlement to receive school lunches free of charge.
- (6) When deciding what steps to take in order to comply with their duties under subsections (2) and (3) a local authority or governing body in Wales must have regard to any guidance issued by the Welsh Ministers under this section.]

#### Textual Amendments

**F116** S. 512ZC inserted (2.9.2013) by [Healthy Eating in Schools \(Wales\) Measure 2009 \(nawm 3\)](#), **ss. 7, 12(3)** (as amended (5.5.2010) by S.I. 2010/1148, arts. 1, 5(2)); S.I. 2013/1985, art. 2(b)

#### [<sup>F117</sup>512A] **Transfer of functions under section 512 to governing bodies.** **E+W**

- (1) The Secretary of State may by order make provision for imposing on the governing body of any school to which the order applies a duty or duties corresponding to one or more of the duties of the [<sup>F3</sup>local authority] which are mentioned in subsection (2).
- (2) Those duties are—
- <sup>F118</sup>(a) the duty to provide school lunches in accordance with [<sup>F119</sup>section 512(3) and (4)];
  - <sup>F120</sup>(b) the duty to provide school lunches free of charge in accordance with [<sup>F121</sup>section 512ZB(1)]; and
  - <sup>F122</sup>(c) the duty to provide milk free of charge in accordance with [<sup>F123</sup>section 512ZB(3)].
- (3) An order under this section may (subject to subsection (6)) apply to—
- (a) all maintained schools; or
  - (b) any specified class of such schools; or
  - (c) all such schools, or any specified class of such schools, maintained by specified [<sup>F2</sup>local authorities].
- (4) Where any duty falls to be performed by the governing body of a school by virtue of an order under this section—
- (a) the corresponding duty mentioned in subsection (2) shall no longer fall to be performed by the [<sup>F3</sup>local authority] in relation to the school; and
  - <sup>F124</sup>(b) if the duty corresponds to the one mentioned in subsection (2)(b) or (c)—
    - (i) the order may provide that, notwithstanding the other provisions of the order, the function of determining whether pupils at the school fall

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- within section 512ZB(4) is to be exercisable by the [<sup>F3</sup>local authority],  
and
- (ii) section 533(3) shall not apply to school lunches or milk provided by  
the governing body in pursuance of the order.]
- (5) An order under this section may provide for section 513(2) not to apply—
- (a) to [<sup>F2</sup>local authorities] generally, or
  - (b) to any specified [<sup>F3</sup>local authority],
- either in relation to all pupils for whom provision is made by the authority under section 513 or in relation to all such pupils who are of such ages as may be specified.
- <sup>F125</sup>(6) An order under this section shall not operate to—
- (a) impose any duty on the governing body of a school, or
  - (b) relieve a [<sup>F3</sup>local authority] of any duty in relation to a school,
- at any time when the school does not have a delegated budget; [<sup>F126</sup>and such an order may provide for [<sup>F127</sup>section 512ZA(2)] above to have effect, in relation to any provision made at any such time by the [<sup>F3</sup>local authority] for pupils at the school, with such modifications as may be specified].
- (7) In this section—
- <sup>F128</sup>“delegated budget” has the same meaning as in the School Standards and Framework Act 1998;
- “maintained school” means a maintained school as defined by section 20(7) of the School Standards and Framework Act 1998 or a maintained nursery school;]
- “school lunch” has the same meaning as in section 512 above;
- “specified” means specified in an order under this section.]

#### Textual Amendments

- F3** 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))
- F117** S. 512A inserted (1.2.1999) by [1998 c. 31, s. 116](#) (with ss. 138(9), 144(6)); S.I. 1998/3198, art. 2(2), **Sch.**
- F118** Words in s. 512A(2)(a) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), ss. 201(2)(a)(i), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F119** Words in s. 512A(2)(a) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), **ss. 201(2)(a)(i), 216(4)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F120** Words in s. 512A(2)(b) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), ss. 201(2)(a)(ii), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F121** Words in s. 512A(2)(b) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), **ss. 201(2)(a)(ii), 216(4)** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F122** Words in s. 512A(2)(c) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), ss. 201(2)(a)(iii), 216(4) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)

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- F123** Words in s. 512A(2)(c) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), [ss. 201\(2\)\(a\)\(iii\)](#), 216(4) (with [ss. 210\(8\)](#), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F124** S. 512A(4)(b) substituted (7.6.2005) by [Education Act 2005 \(c. 18\)](#), [ss. 112](#), 125(2)
- F125** Words in s. 512A(6) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), [ss. 201\(2\)\(b\)](#), 216(4) (with [ss. 210\(8\)](#), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F126** Words in s. 512A(6) omitted (4.5.2013) by virtue of [School Standards and Organisation \(Wales\) Act 2013 \(anaw 1\)](#), s. 100(3), [Sch. 5 para. 31\(1\)](#)
- F127** Words in s. 512A(6) substituted (31.3.2003 for W., 6.4.2003 for E.) by [Education Act 2002 \(c. 32\)](#), [ss. 201\(2\)\(b\)](#), 216(4) (with [ss. 210\(8\)](#), 214(4)); S.I. 2002/3185, art. 5, Sch. Pt. II; S.I. 2003/124, art. 5 (with art. 6)
- F128** Words in s. 512A(7) substituted (1.9.2003 for E.; 31.10.2005 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), [Sch. 21 para. 52](#) (with [ss. 210\(8\)](#), 214(4)); S.I. 2003/1667, art. 4; S.I. 2005/2910, art. 4, Sch.

### [<sup>F129</sup>512B] **Provision of school lunches: Academies** E+W

- (1) Academy arrangements in relation to an Academy school or an alternative provision Academy must include provision imposing obligations on the proprietor that are equivalent to the school lunches obligations.
- (2) “The school lunches obligations” are the obligations imposed in relation to maintained schools and pupil referral units in England by—
  - (a) section 512(3) (provision of school lunches on request), and
  - (b) section 512ZB(1) (provision of free school lunches to eligible persons).
- (3) Academy arrangements in relation to an Academy (other than a 16 to 19 Academy) that are entered into before the date on which section 106(3) of the Children and Families Act 2014 comes into force are to be treated as if they included the provision required by subsection (1), to the extent that they do not otherwise include such provision.]

#### Textual Amendments

- F129** S. 512B inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 106\(3\)](#), 139(6); S.I. 2014/889, art. 7(d)

### 513 **Provision of meals etc. at schools not maintained by [<sup>F2</sup>local authorities].** E+W

- (1) A [<sup>F3</sup>local authority] may, with the consent of the proprietor of a school in their area which is not maintained by them, make arrangements for securing the provision of milk, meals and other refreshment for pupils in attendance at the school.
- (2) Any arrangements under this section—
  - (a) shall be on such financial and other terms, if any, as may be determined by agreement between the authority and the proprietor of the school; and
  - (b) shall be such as to secure, so far as is practicable, that the expense incurred by the authority in connection with the provision of any service or item under the arrangements shall not exceed the expense which would have been incurred by them in providing it if the pupil had been a pupil at a school maintained by them.

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#### Textual Amendments

- F3** 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))

### 514 Provision of board and lodging otherwise than at school. **E+W**

- (1) Where a [<sup>F3</sup>local authority] are satisfied with respect to any pupil—
- (a) that primary or secondary education suitable to his age, ability and aptitude and to any special educational needs he may have can best be provided for him at a [<sup>F130</sup>particular community, foundation or voluntary or community or foundation special school, but]
  - (b) that such education cannot be so provided unless boarding accommodation is provided for him otherwise than at the school,
- they may provide such board and lodging for him under such arrangements as they think fit.
- (2) Where a [<sup>F3</sup>local authority] are satisfied with respect to a pupil with special educational needs that provision of board and lodging for him is necessary for enabling him to receive the required special educational provision, they may provide such board and lodging for him under such arrangements as they think fit.
- (3) In making any arrangements under this section, a [<sup>F3</sup>local authority] shall, so far as practicable, give effect to the wishes of the pupil's parent as to the religion or religious denomination of the person with whom the pupil will reside.
- (4) Subject to subsection (5), where a [<sup>F3</sup>local authority] have provided a pupil with board and lodging under arrangements under this section, they shall require the pupil's parent to pay them such sums, if any, in respect of the board and lodging as in their opinion he is able to pay without financial hardship.
- (5) No sum is recoverable under subsection (4) if the arrangements were made by the authority on the ground that in their opinion education suitable to the pupil's age, ability and aptitude or special educational needs could not otherwise be provided for him.
- (6) The sums recoverable under subsection (4) shall not exceed the cost to the authority of providing the board and lodging.
- (7) Any sum payable under subsection (4) may be recovered summarily as a civil debt.

#### Textual Amendments

- F3** 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))
- F130** Words in s. 514(1)(a) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.135** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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[<sup>F131</sup>514A] **Provision of boarding accommodation for [<sup>F132</sup>person for whom an EHC plan is maintained]** **E+W**

- (1) A [<sup>F3</sup>local authority] in England may secure the provision of boarding accommodation in connection with the provision of education or training for a person in their area who is [<sup>F133</sup>over compulsory school age and for whom an EHC plan is maintained.]—
  - <sup>F134</sup>(a) .....
  - <sup>F135</sup>(b) .....
- (2) A [<sup>F3</sup>local authority] may secure the provision of boarding accommodation under subsection (1) either within or outside their area.
- (3) For the purposes of subsection (1) it is immaterial who provides, or secures the provision of, the education or training.
- (4) In this section “education” and “training” have the same meanings as in section 15ZA.]

**Textual Amendments**

- F3** 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))
- F131** S. 514A inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 46, 269(4)**; S.I. 2010/303, art. 3, Sch. 2
- F132** Words in s. 514A title substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 50(3)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F133** Words in s. 514A(1) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 50(2)(a)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F134** S. 514A(1)(a) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 50(2)(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))
- F135** S. 514A(1)(b) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 50(2)(b)**; S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505))

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

- C5** S. 514A functions made exercisable concurrently (1.4.2011) by [The Greater Manchester Combined Authority Order 2011 \(S.I. 2011/908\)](#), arts. 1, 10, **Sch. 3 para. 6**
- C6** S. 514A functions made exercisable concurrently (1.4.2014) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 \(S.I. 2014/863\)](#), art. 1, **Sch. 2 para. 4**
- C7** S. 514A functions made exercisable concurrently (1.4.2014) by [The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 \(S.I. 2014/865\)](#), art. 1, **Sch. 2 para. 3** (with art. 8(4))

**515 Provision of teaching services for day nurseries.** **E+W**

- (1) Subject to subsection (2), a [<sup>F3</sup>local authority] may, in accordance with arrangements made by them for that purpose, make available to a day nursery [<sup>F136</sup>in England or Wales or to a registered early years provider in England] the services of any teacher who—



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- (a) is employed by them in a nursery school or in a primary school having one or more nursery classes, and
  - (b) has agreed to provide his services for the purposes of the arrangements.
- (2) Arrangements under subsection (1) in respect of a teacher in a [<sup>F137</sup>foundation or voluntary school] require the concurrence of the governing body of the school.
- (3) Arrangements under this section may make provision—
- (a) for the supply of equipment for use in connection with the teaching services made available under the arrangements;
  - (b) for regulating the respective functions of any teacher whose services are made available under the arrangements, the head teacher of his school and the person in charge of the day nursery [<sup>F138</sup> or (as the case may be) the registered early years provider] ; and
  - (c) for any supplementary or incidental matters connected with the arrangements, [<sup>F139</sup>including—
    - (i) in relation to England, any charges to be imposed in connection with the arrangements, and
    - (ii) in relation to Wales, where the teacher's school and the day nursery are in the areas of different [<sup>F2</sup>local authorities] , financial adjustments between those authorities.]
- [<sup>F140</sup>(4) In this section—
- “day nursery” means a day nursery provided under section 18 of the Children Act 1989 (provision by local authorities of day care for pre-school and other children);
- “registered early years provider” means a person registered under Part 3 of the Childcare Act 2006.]
- (5) A teacher shall not be regarded as ceasing to be a member of the teaching staff of his school and subject to the general directions of his head teacher by reason only of his services being made available in pursuance of arrangements under this section.

#### Textual Amendments

- F3** 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))
- F136** Words in s. 515(1) inserted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 25(2)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F137** Words in s. 515(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.136** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.
- F138** Words in s. 515(3)(b) inserted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 25(3)(a)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F139** Words in s. 515(3)(c) substituted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 25(3)(b)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F140** S. 515(4) substituted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 25(4)**; S.I. 2008/2261, art. 2 (with Sch. 1)



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**Textual Amendments**

**F141** S. 516 repealed (1.4.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 137, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(4), **Sch.1 Pt. IV**.

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