

**Changes to legislation:** Education Act 1996, Cross Heading: Children outside walking distance where no suitable alternative arrangements made is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

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

#### MEANING OF “ELIGIBLE CHILD” FOR PURPOSES OF SECTION 508B

##### Textual Amendments

- F1** Sch. 35B inserted (1.9.2007 for the insertion of Sch. 35B para. 1 for specified purposes and paras. 2-10, 14, 15 for all purposes, 1.9.2008 in so far as not already in force) by [Education and Inspections Act 2006](#) (c. 40), s. 188(3), [Sch. 8](#); S.I. 2007/1801, art. 4(k); S.I. 2008/1971, art. 2(b)

#### *Children outside walking distance where no suitable alternative arrangements made*

- 6 A child falls within this paragraph if—
- (a) he is of compulsory school age and is a registered pupil at a qualifying school which is not within walking distance of his home,
  - (b) no suitable arrangements have been made by the [<sup>F2</sup>local authority] for boarding accommodation for him at or near the school, and
  - (c) no suitable arrangements have been made by the [<sup>F2</sup>local authority] for enabling him to become a registered pupil at a qualifying school nearer to his home.

##### Textual Amendments

- F2** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), [Sch. 2 para. 7\(2\)](#) (with Sch. 2 para. 7(4)(5))

- 7 A child falls within this paragraph if—
- (a) he is of compulsory school age and is receiving education at a place other than a school by virtue of arrangements made in pursuance of section 19(1),
  - (b) that place is not within walking distance of his home,
  - (c) no suitable arrangements have been made by the [<sup>F2</sup>local authority] for boarding accommodation for him at or near that place, and
  - (d) no suitable arrangements have been made by the [<sup>F2</sup>local authority] for enabling him to become a registered pupil at a qualifying school nearer to his home.

##### Textual Amendments

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- 8 (1) Where—
- (a) a child of compulsory school age has been excluded from a relevant school,
  - (b) he remains for the time being a registered pupil at the school, and
  - [<sup>F3</sup>(c) the appropriate authority for the school has made arrangements for the provision of full-time education for him otherwise than at the school or at his home during the period of exclusion,]
- paragraph 6 has effect as if the place at which [<sup>F4</sup>the education is provided] were a qualifying school and the child were a registered pupil at that school (and not at the school mentioned in paragraph (b)).
- (2) For the purposes of sub-paragraph (1)—
- (a) “relevant school” and “appropriate authority” have the same meaning as in section 444ZA (application of section 444 to alternative educational provision), and
  - [<sup>F5</sup>(b) in relation to a maintained school or a pupil referral unit, references in that sub-paragraph to exclusion are references to exclusion under [<sup>F6</sup>section 51A] of the Education Act 2002.]]

#### Textual Amendments

- F3** Sch. 35B para. 8(1)(c) substituted (1.9.2012) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 1 para. 52\(2\)](#); S.I. 2012/2197, art. 2(c)
- F4** Words in Sch. 35B para. 8(1) substituted (1.9.2012) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 1 para. 52\(3\)](#); S.I. 2012/2197, art. 2(c)
- F5** Sch. 35B para. 8(2)(b) substituted (1.9.2012) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), [Sch. 1 para. 52\(4\)](#); S.I. 2012/2197, art. 2(c)
- F6** Words in Sch. 35B para. 8(2)(b) substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 1 para. 7](#); S.I. 2012/1087, art. 3 (with art. 4)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

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