



Learner Travel (Wales) Measure 2008

2008 nawm 2

General

24 General interpretation

(1) In this Measure—

“academic year” (“blwyddyn academaidd”) means any period from 1 August to 31 July;

“disability” (“anabledd”) and “disabled person” (“person anabl”) have the same meaning as in section 1 of the Disability Discrimination Act 1995 (c. 50);

“education” (“addysg”) does not include higher education;

“learning difficulty” (“anhawster dysgu”) in respect of a person means—

- (a) a significantly greater difficulty in learning than the majority of persons of the same age, or
- (b) a disability which either prevents or hinders that person from using facilities of a kind provided at relevant places,

but a person is not to be taken as having a learning difficulty solely because the language (or form of the language) in which the person is taught or will be taught is different from a language (or form of a language) which has at any time been spoken in the person's home;

“local authority” (“awdurdod lleol”) means a [F1local authority] in Wales; but in any reference to a child looked after by a local authority it means a council of a county or county borough in Wales exercising social services functions within the meaning of [F2the Social Services and Well-being (Wales) Act 2014.]

“maintained school” (“ysgol a gynhelir”) means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“non-maintained special school” (“ysgol arbennig nas cynhelir”) means a school approved under section 342 of the Education Act 1996;

“nursery education” (“addysg feithrin”) means education suitable for children who have not attained compulsory school age;

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“prescribed” (“rhagnodi”) means prescribed in regulations;
“regulations” (“rheoliadau”) means regulations made by the Welsh Ministers;
“work experience” (“profiad gwaith”) means work experience arranged for—
(a) a registered pupil of a maintained school or a pupil referral unit, or
(b) a student enrolled at an institution within the further education sector,
by, or on behalf of, the governing body of the relevant educational institution.

- (2) References in this Measure to a child who is looked after by a local authority have the same meaning as they have in [F3section 74 of the Social Services and Well-being (Wales) Act 2014].
- (3) Subject to subsection (4), the Education Act 1996 and the provisions of this Measure are to be read as if those provisions were contained in the Education Act 1996.
- (4) Where an expression is given for the purposes of any provision of this Measure a meaning different from that given to it for the purposes of the Education Act 1996, the meaning given for the purposes of that provision is to apply instead of the one given for the purposes of that Act.

Textual Amendments

- F1** Words in s. 24(1) substituted (5.5.2010) by [Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) \(Wales\) Order 2010 \(S.I. 2010/1148\)](#), arts. 1, 2
- F2** Words in s. 24(1) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(No. 413\)](#), regs. 2(1), **268(2)**
- F3** Words in s. 24(2) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(No. 413\)](#), regs. 2(1), **268(3)**

Commencement Information

- I1** S. 24 in force at 6.3.2009 by [S.I. 2009/371](#), [Sch. Pt. 1](#)

25 Minor and consequential amendments

Schedule 1 contains minor and consequential amendments relating to the provisions made by this Measure.

Commencement Information

- I2** S. 25 in force for specified purposes at 1.9.2009 by [S.I. 2009/371](#), [Sch. Pt. 2](#)
- I3** S. 25 in force for specified purposes at 6.3.2009 by [S.I. 2009/371](#), [Sch. Pt. 1](#)

26 Repeals

The enactments specified in Schedule 2 are repealed to the extent specified.

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Commencement Information

- I4** S. 26 in force for specified purposes at 30.10.2009 by [S.I. 2009/371](#), [art. 2\(1\)\(c\)](#)
- I5** S. 26 in force for specified purposes at 30.10.2009 by [S.I. 2009/2819](#), [art. 2\(1\)\(c\)](#)
- I6** S. 26 in force for specified purposes at 1.9.2009 by [S.I. 2009/371](#), [Sch. Pt. 2](#)
- I7** S. 26 in force for specified purposes at 6.3.2009 by [S.I. 2009/371](#), [Sch. Pt. 1](#)

27 Orders and regulations

- (1) Any power of the Welsh Ministers to make an order or regulations under this Measure is exercisable by statutory instrument.
- (2) Any power of the Welsh Ministers to make an order or regulations under this Measure includes power—
 - (a) to make different provision for different cases or [^{F4}classes of case or different purposes or]areas;
 - [^{F5}(aa) make provision subject to specified exemptions or exceptions;]
 - (b) to make provision generally or in relation to specific cases [^{F6}or classes of case];
 - (c) to make such incidental, supplementary, transitional or saving provision as the Welsh Ministers think fit.
- (3) The power of the Welsh Ministers to make regulations under section 3(9), 7 ^{F7}... [^{F8}, 8, 14B, 14C, 14D, 14E, 14F, 14H or 14L or Schedule A1] also includes power to make such consequential provision as the Welsh Ministers think fit.
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- (4) The incidental, supplementary, transitional, saving or consequential provision to be made in regulations may include such provision that amends or repeals any provision of—
 - (a) this Measure or any other Measure of the National Assembly for Wales passed before or in the same Assembly year as this Measure;
 - (b) an Act passed before the passing of this Measure;
 - (c) subordinate legislation made before the passing of this Measure.
- [^{F9}(4A) In the application of subsection (4) to regulations made under sections 14B to 14F, section 14H or 14L or Schedule A1 the reference to “this Measure” in subsection (4) is to be interpreted as a reference to the Safety on Learner Transport (Wales) Measure 2011.]
- (5) Any statutory instrument containing regulations made under this Measure is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (6) Subsection (5) does not apply to regulations to which subsection (7) applies.
- (7) A statutory instrument which contains (alone or with other provisions)—
 - (a) regulations under section 3(9),
 - (b) regulations under section 7,
 - (c) regulations under section 8,
 - (d) regulations under section 14(14)(a), ^{F10}...

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- [^{F11}(da) regulations under section 14B, 14C, 14D, 14E, 14F, 14H or 14L or Schedule A1, or
 (db) an order under section 14N(6).]
 (e) regulations under subsection (4) which amend or repeal any provision of an Act or Assembly Measure,
 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

Textual Amendments

- F4** Words in s. 27(2)(a) inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(2\)\(a\), 16\(2\)](#)
- F5** S. 27(2)(aa) inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(2\)\(b\), 16\(2\)](#)
- F6** Words in s. 27(2)(b) inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(2\)\(c\), 16\(2\)](#)
- F7** Words in s. 27(3) omitted (10.7.2011) by virtue of [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(3\), 16\(2\)](#)
- F8** Words in s. 27(3) inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(3\), 16\(2\)](#)
- F9** S. 27(4A) inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(4\), 16\(2\)](#)
- F10** Word in s. 27(7)(d) omitted (10.7.2011) by virtue of [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(5\)\(a\), 16\(2\)](#)
- F11** S. 27(7)(da)(db) inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), ss. 15\(5\)\(b\), 16\(2\)](#)

28 Commencement

- (1) The following provisions come into force at the end of a period of two months beginning on the day on which this Measure is approved by Her Majesty in Council—
 this section;
 section 27;
 section 29.
- (2) The remaining provisions of this Measure come into force in accordance with provision made by the Welsh Ministers by order.

29 Short title and inclusion of Measure within the Education Acts

- (1) This Measure may be cited as the Learner Travel (Wales) Measure 2008.
- (2) This Measure is to be included in the list of Education Acts set out in section 578 of the Education Act 1996.

Changes to legislation:

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

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

- s. 7(3)(a)(ai) inserted by [2022 asc 1 Sch. 4 para. 23\(3\)\(b\)](#)