



Learner Travel (Wales) Measure 2008

2008 nawm 2

Supplementary

21 Amendments to the Education Act 2002

- (1) The Education Act 2002 is amended as follows.
- (2) Section 32 (fixing dates of terms and holidays and times of school sessions) is amended as follows—
 - (a) in subsection (1)(b) before “the governing body” insert “subject to subsections (5) to (9),”;
 - (b) in subsection (2)(b) before “the times” insert “ subject to subsections (5) to (9)”;
 - (c) after subsection (4) insert—
 - “(5) Subsections (1)(b) and (2)(b) do not apply in relation to a school in Wales in the circumstances specified in subsection (6).
- (6) The circumstances are—
 - (a) that the local education authority in whose area the school is situated have given notice in writing to the governing body of the school that the times of the school sessions are to be determined in accordance with subsection (8), and
 - (b) that the notice has not been withdrawn by the local education authority.
- (7) A local education authority must not issue a notice of the kind mentioned in subsection (6)(a) unless they consider a change in the times of the sessions of that school to be necessary or expedient in order to—
 - (a) promote the use of sustainable modes of travel within the meaning of section 11 of the Learner Travel (Wales) Measure 2008, or

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- (b) improve the effectiveness or efficiency of travel arrangements made, or to be made, by the authority under that Measure.
- (8) In relation to a school subject to a notice of the kind mentioned in subsection (6)(a)—
- (a) where there are two school sessions on the relevant school day—
 - (i) the local education authority must determine the time each day at which the first school session starts and the second school session ends, and
 - (ii) the governing body must determine the time each day at which the first school session ends and the second school session starts;
 - (b) where there is one school session on the relevant school day the local education authority must determine the time each day at which the school session starts and ends.
- (9) The Welsh Ministers may make provision by regulations—
- (a) as to the procedure to be followed where the local education authority propose to issue a notice of the kind mentioned in subsection (6)(a);
 - (b) as to the matters to be included in such a notice;
 - (c) as to the implementation of any determination under subsection (8);
 - (d) for enabling the local education authority to determine, for any purposes of the regulations, whether any person is to be treated as a parent of a registered pupil at the school.
- (10) In giving notice as described in subsection (6) and in discharging any function conferred by subsections (7) or (8) or by regulations under subsection (9), a local education authority must have regard to guidance given by the Welsh Ministers.”
- (3) In section 210 (orders and regulations)—
- (a) in subsection (1) for “the National Assembly for Wales” substitute “the Welsh Ministers”;
 - (b) after subsection (6) insert—
 - “(6A) Any statutory instrument containing regulations made under section 32(9) by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
 - (6B) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the National Assembly for Wales procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.”;
 - (c) in subsection (7)—
 - (i) for “the National Assembly for Wales” substitute “the Welsh Ministers”,

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- (ii) for “the Assembly thinks” in paragraph (c) substitute “the Welsh Ministers think”.