



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 2

[^{F2}LOCAL AUTHORITY] FUNCTIONS

Transport in England

53 Provision of transport etc for persons of sixth form age: duty to have regard to section 15ZA duty

In section 509AB(3) of the Education Act 1996 (c. 56) (provision of transport etc for persons of sixth form age in England: matters to which [^{F1}local authorities] must have regard) after paragraph (b) insert—

“(ba) what they are required to do under section 15ZA(1) in relation to persons of sixth form age,”.

Textual Amendments

- F1** 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. 16(3)**

Commencement Information

- II** S. 53 in force at 1.4.2010 by [S.I. 2010/303](#), **art. 3**, **Sch. 2** (with **arts. 9-11**)

54 Transport policy statements for persons of sixth form age: consultation

In section 509AB(6) of the Education Act 1996 (people to be consulted when preparing transport policy statements for persons of sixth form age in England), in paragraph (c), before “and” insert—

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Transport in England is up to date with all changes known to be in force on or before 29 February 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

“(ca) persons in the [^{F2} local authority]’s area who will be of sixth form age when the statement has effect, and their parents,”.

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. 16(2)**

Commencement Information

I2 S. 54 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), **Sch. 2** (with [arts. 8-11](#))

55 Transport policy statements for persons of sixth form age: content and publication

(1) In section 509AB of the Education Act 1996 (provision about transport policy statements for persons of sixth form age in England), after subsection (7) insert—

“(7A) In preparing and publishing a statement under section 509AA, a [^{F2}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.”

(2) In section 509AA(10) of that Act (time by which transport policy statements for persons of sixth form age in England must be published) for “by substituting a different date for 31st May” substitute “to change the time by which the statement must be published”.

Commencement Information

I3 S. 55 in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), **Sch.** (with [art. 3](#))

56 Complaints about transport arrangements etc for persons of sixth form age

(1) The Education Act 1996 is amended as follows.

(2) After section 509AD ([^{F1}local authorities] in England: duty to have regard to religion or belief in exercise of travel functions) insert—

“509AE Complaints about transport arrangements etc for persons of sixth form age in England

- (1) A [^{F2}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.

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- (2) A [F2local 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 [F2local 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 [F2local 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 [F2local 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).
 - (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 [F2local 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.”
- (3) In section 509AA (provision of transport etc for persons of sixth form age), at the end insert—
- “(11) Subsection (9) is subject to section 509AE (complaints about transport arrangements etc for persons of sixth form age in England).”

Textual Amendments

- F1** 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. 16(3)**

Commencement Information

- I4** S. 56 in force at 12.1.2010 by [S.I. 2009/3317](#), art. 2, **Sch.** (with art. 3)

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57 [F¹Local authorities] in England: provision of transport etc for adult learners

- (1) The Education Act 1996 (c. 56) is amended as follows.
- (2) After section 508E ([F¹Local authorities] in England: school travel schemes) insert—

[F¹“Local authorities] in England: provision of transport etc for adult learners

- (1) A [F²local 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 [F²local 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 [F²local 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 [F²local 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 [F²local 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,

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“sixth form age” is to be construed in accordance with section 509AC(1), and

“relevant young adult” means an adult who is aged under 25 and is subject to learning difficulty assessment.

[^{F1}Local authorities] in England: transport policy statements etc for young adults subject to learning difficulty assessment

- (1) A [^{F2}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 [^{F2}local authority] that they consider it appropriate to consult,
 - (b) governing bodies of institutions within the further education sector in the authority's area,
 - (c) persons in the [^{F2}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—
 - (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.

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- (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.

508H Guidance: sections 508F and 508G

In making arrangements under section 508F(1) and preparing and publishing a statement under section 508G, a [F²local authority] must have regard to any guidance issued by the Secretary of State under this section.

508I Complaints about transport arrangements etc for young adults subject to learning difficulty assessment: England

- (1) A [F²local 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 [F²local 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.
- (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 [F²local 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 [F²local 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.

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- (7) Where a [^{F2}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.”
- (3) In section 509AD(2) ([^{F1}Local authorities] in England: duty to have regard to religion or belief in exercise of travel functions) for the entry relating to section 508F substitute—
- “section 508F ([^{F1}Local authorities] in England: provision of transport etc for adult learners);”.
- (4) Section 509 (provision of transport etc) ceases to have effect.
- (5) Section 81 of the Education and Inspections Act 2006 (c. 40) ([^{F1}Local authorities] in England: provision of transport etc for certain adult learners) ceases to have effect.

Textual Amendments

- F1** 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. 16(3)**
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Commencement Information

- I5** S. 57 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 8-11)

Changes to legislation:

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Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6