
WELSH STATUTORY INSTRUMENTS

2009 No. 371 (W.39) (C.45)

EDUCATION, WALES

**The Learner Travel (Wales) Measure
2008 (Commencement No. 1) Order 2009**

Made - - - - 25 February 2009

The Welsh Ministers, in exercise of the powers conferred upon them by section 28(2) of the Learner Travel (Wales) Measure 2008(1), make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Learner Travel (Wales) Measure 2008 (Commencement No. 1) Order 2009.

(2) In this Order “the Measure” means the Learner Travel (Wales) Measure 2008.

Appointed Days

2.—(1) The provisions of the Measure set out in Part 1 of the Schedule to this Order are to come into force on 6 March 2009.

(2) The provisions of the Measure set out in Part 2 of the Schedule to this Order are to come into force on 1 September 2009.

25 February 2009

Ieuan Wŷn Jones
Minister for Economy and Transport, one of the
Welsh Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 2

PART 1

Provisions of the Learner Travel (Wales) Measure
2008 coming into force on 6 March 2009

<i>Provision</i>	<i>Subject Matter</i>
Section 1(1), (2), (3) and (4)(a) to (i)	Main terms used in this Measure
Section 2	Duty to assess learner travel needs
Section 5 in so far as it relates to section 2	Limits of learner travel duties
Section 6	Power of local authorities to make learner travel arrangements
Section 10	Promoting access to education and training through the medium of the Welsh language
Section 11	Sustainable modes of travel
Section 15	Guidance and directions
Section 16	Information about travel arrangements
Section 17(1) and (2)	Co-operation: information and other assistance
Section 19	Determination of ordinary residence in particular circumstances
Section 21	Amendments to the Education Act 2002
Section 23	Amendments to the Education and Inspections Act 2006
Section 24	General interpretation
Section 25 in so far as it relates to the provisions of Schedule 1 below	Minor and consequential amendments
Section 26 in so far as it relates to the provisions of Schedule 2 below	Repeals
Schedule 1, paragraph 2(2)(c) in so far as it inserts a new paragraph (e) of subsection (1B) of section 6 of the Transport Act 1985, paragraph 2(3) except in so far as it substitutes the reference to paragraph (d) of subsection (1B) of section 6 of the Transport Act 1985, paragraph 4(1) to (4)	Minor and consequential amendments
In Schedule 2 the repeal of— Education Act 1996, in section 509AA, in subsection (2)(d) the words “or the National Assembly for Wales”, subsection (9A), and in subsection (10) the words “(in relation to local education authorities in England) or the National	Repeals

<i>Provision</i>	<i>Subject Matter</i>
	<p>Assembly for Wales (in relation to local education authorities in Wales)”; in section 509AB, subsection (4), in subsection (6)(c) the words “(in the case of a local education authority in England)”, in subsection (6)(d) the words after “England” the first time that word appears to the end of that subsection; in section 509AC, subsection (3), in subsection (6) the words after “subsection (5)” to the end of the subsection, subsection (7). Education and Inspection Act 2006, section 83, subsection (1), in subsection (2) the words after “England” the first time that word appears to the end of that subsection, and subsection (3); Schedule 10, paragraph 5(b).</p>

PART 2

Provisions of the Learner Travel (Wales) Measure 2008 coming into force on 1 September 2009

<i>Provision</i>	<i>Subject Matter</i>
Section 3	Local authority duty to make transport arrangements
Section 4	Local authority duty to make other travel arrangements
Section 5 in so far as not already in force	Limits of learner travel duties
Section 7	Travel arrangements for learners in post-16 education or training
Section 8	Travel arrangements to and from nursery education
Section 9	Learner travel arrangements not to favour certain types of education or training
Section 17(3)	Co-operation: information and other assistance
Section 18	Payment of travel costs by a local authority which looks after a child
Section 20	Amendments to section 444 of the Education Act 1996
Section 22	Amendments to sections 455 and 456 of the Education Act 1996

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<i>Provision</i>	<i>Subject Matter</i>
Section 25 in so far as it relates to the provisions of Schedule 1 below	Minor and consequential amendments
Section 26 in so far as it relates to the provisions of Schedule 2 below	Repeals
Schedule 1, paragraphs 1, 2 in so far as not already in force, 3, 4(5), 5	Minor and consequential amendments
In Schedule 2 the repeal of— Public Passenger Vehicles Act 1981, in section 46(3)(a) the words “section 509(1) or (1A)”; Transport Act 1985, in section 6(1B) the words “section 509(1) or (1A)” in paragraph (a) and the word “or” in paragraph (b); Education Act 1996, in section 444(5) the words “and (4)”, in section 455, in subsection (1)(c) the words “or 509(2)” and in subsection (2)(b) “or” at the end of the subsection, section 509 in so far as it relates to a local education authority in Wales, in section 509A, in subsection (5), the words “in relation to England,” and paragraph (b); School Standards and Framework Act 1998, Schedule 30, paragraph 133; Learning and Skills Act 2000, Schedule 9, paragraph 59; Education Act 2002, Schedule 19, paragraph 2, Schedule 21, paragraph 51.	Repeals

EXPLANATORY NOTE

(This note is not part of the Order)

This is the first commencement order made by the Welsh Ministers under the Learner Travel (Wales) Measure 2008. It brings into force on 6 March 2009 and 1 September 2009 those provisions of the Measure specified in Parts 1 and 2 respectively of the Schedule to the Order.

The effect of the provisions of the Measure brought into force on 6 March 2009 is as follows:

Section 1 defines the main terms used in the Measure. This section is brought into force except for paragraph (j) of subsection (1).

Section 2 places a duty on a local authority to assess the travel needs of learners in their area.

Section 5 is brought into force in relation to section 2 and limits the duties imposed on local authorities by that section so that they do not extend to travel during the day or to travel for purposes other than for attendance at a relevant place for education and training.

Section 6 gives a local authority the power to make arrangements for the travel of learners to and from a place where they receive education or training.

Section 10 places a duty on local authorities and Welsh Ministers, when exercising their functions under the Measure, to promote access to education and training through the medium of the Welsh language.

Section 11 places a duty on a local authority and Welsh Ministers to promote sustainable modes of travel when exercising their functions under the Measure.

Section 15 requires local authorities and governing bodies of maintained schools and further education institutions to have regard to guidance and to comply with any direction given by the Welsh Ministers.

Section 16 allows the Welsh Ministers to make regulations requiring a local authority to publish information about travel arrangements.

Section 17(1) and (2) requires governing bodies and local authorities to co-operate.

Section 19 makes provision for determining a person's ordinary residence in particular circumstances.

Section 21 amends section 32 of the Education Act 2002 to enable local authorities to determine the times of school sessions in certain circumstances.

Section 23 amends the Education and Inspections Act 2006 to enable Welsh Ministers to amend references in Measures to local education authority.

Section 24 contains general definitions.

Section 25 and Schedule 1 make minor and consequential amendments.

Section 26 and Schedule 2 repeals various provisions of Acts of Parliament.

The effect of the provisions of the Measure brought into force on 1 September 2009 is as follows:

Section 3 places a duty on a local authority to make transport arrangements for children of compulsory school age in the circumstances set out in the table in that section.

Section 4 places a duty on a local authority to make travel arrangements for children of compulsory school age if they consider it necessary.

Section 5 is brought fully into force so that the duties imposed on local authorities by sections 3 and 4 (as well as 2) do not extend to travel during the day or to travel for purposes other than for attendance at a relevant place for education and training.

Section 7 enables Welsh Ministers to make regulations about travel arrangements for post-16 learners.

Section 8 enables Welsh Ministers to make regulations about travel arrangements for nursery age children.

Section 9 prohibits the travel arrangements made under section 3, 4 and 6 from discriminating between various categories of learners.

Section 17(3) requires local authorities to assist head teachers in relation to pupil behaviour.

Section 18 enables a local authority that makes the travel arrangements for a looked after child to demand reimbursement of costs from another authority that looks after the child.

Section 20 amends section 444 of the Education Act 1996 (the offence on the part of a parent of failing to secure the regular attendance at school of a registered pupil).

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Section 22 amends sections 455 and 456 of the Education Act 1996 (charging and the regulation of permitted charges).

Section 25 and Schedule 1 make minor and consequential amendments.

Section 26 and Schedule 2 repeal various provisions of Acts of Parliament.