



Education and Inspections Act 2006

2006 CHAPTER 40

PART 6

SCHOOL TRAVEL AND SCHOOL FOOD

Travel to schools etc

77 **[^{F1}Local authorities] in England: provision of travel arrangements etc for children**

(1) After section 508A of EA 1996 (inserted by section 76 above) insert—

[^{F1}Local authorities] in England: travel arrangements for eligible children

(1) A [^{F2}local authority] in England must make, in the case of an eligible child in the authority's area to whom subsection (2) applies, such travel arrangements as they consider necessary in order to secure that suitable home to school travel arrangements, for the purpose of facilitating the child's attendance at the relevant educational establishment in relation to him, are made and provided free of charge in relation to the child.

(2) This subsection applies to an eligible child if—

- (a) no travel arrangements relating to travel in either direction between his home and the relevant educational establishment in relation to him, or in both directions, are provided free of charge in relation to him by any person who is not the authority, or
- (b) such travel arrangements are provided free of charge in relation to him by any person who is not the authority but those arrangements, taken together with any other such travel arrangements which are so provided, do not provide suitable home to school travel arrangements for the purpose of facilitating his attendance at the relevant educational establishment in relation to him.

Changes to legislation: Education and Inspections Act 2006, Section 77 is up to date with all changes known to be in force on or before 09 May 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

- (3) “Home to school travel arrangements”, in relation to an eligible child, are travel arrangements relating to travel in both directions between the child's home and the relevant educational establishment in question in relation to that child.
- (4) “Travel arrangements”, in relation to an eligible child, are travel arrangements of any description and include—
- (a) arrangements for the provision of transport, and
 - (b) any of the following arrangements only if they are made with the consent of a parent of the child—
 - (i) arrangements for the provision of one or more persons to escort the child (whether alone or together with other children) when travelling to or from the relevant educational establishment in relation to the child;
 - (ii) arrangements for the payment of the whole or any part of a person's reasonable travelling expenses;
 - (iii) arrangements for the payment of allowances in respect of the use of particular modes of travel.
- (5) “Travel arrangements”, in relation to an eligible child, include travel arrangements of any description made by any parent of the child only if those arrangements are made by the parent voluntarily.
- (6) “Travel arrangements”, in relation to an eligible child, do not comprise or include travel arrangements which give rise to additional costs and do not include appropriate protection against those costs.
- (7) For the purposes of subsection (6)—
- (a) travel arrangements give rise to additional costs only if they give rise to any need to incur expenditure in order for the child to take advantage of anything provided for him in pursuance of the arrangements, and
 - (b) travel arrangements include appropriate protection against those costs only if they include provision for any expenditure that needs to be incurred for the purpose mentioned in paragraph (a) in the case of the child to be met by the person by whom the arrangements are made.
- (8) Travel arrangements are provided free of charge if there is no charge for anything provided in pursuance of the arrangements.
- (9) Schedule 35B has effect for the purposes of defining “eligible child” for the purposes of this section.
- (10) References to a “relevant educational establishment”, in relation to an eligible child, are references to—
- (a) in the case of a child who is an eligible child by virtue of falling within any of paragraphs 2, 4, 6, 9, 11 and 12 of Schedule 35B, the qualifying school (within the meaning of that Schedule) at which the child is a registered pupil referred to in the paragraph in question, and
 - (b) in the case of a child who is an eligible child by virtue of falling within any of paragraphs 3, 5, 7, 10 and 13 of Schedule 35B, the place other than a school, where the child is receiving education by virtue

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of arrangements made in pursuance of section 19(1), referred to in the paragraph in question.

- (11) Regulations may modify subsections (1) and (2) to provide for their application in cases where there is more than one relevant educational establishment in relation to a child.

[^{F1}Local authorities] in England: travel arrangements etc for other children

- (1) A [^{F2}local authority] in England may make such school travel arrangements as they consider necessary, in relation to any child in the authority's area to whom this section applies, for the purpose of facilitating the child's attendance at any relevant educational establishment in relation to the child.
- (2) This section applies to a child who is not an eligible child for the purposes of section 508B.
- (3) “School travel arrangements”, in relation to such a child, are travel arrangements relating to travel in either direction between his home and any relevant educational establishment in relation to the child, or in both directions.
- (4) “Travel arrangements”, in relation to such a child, are travel arrangements of any description and include—
- (a) arrangements for the provision of transport, and
 - (b) any of the following arrangements only if they are made with the consent of a parent of the child—
 - (i) arrangements for the provision of one or more persons to escort the child (whether alone or together with other children) when travelling to or from any relevant educational establishment in relation to the child;
 - (ii) arrangements for the payment of the whole or any part of a person's reasonable travelling expenses;
 - (iii) arrangements for the payment of allowances in respect of the use of particular modes of travel.
- (5) A [^{F2}local authority] in England may pay, in the case of a child in the authority's area to whom this section applies and in relation to whom no arrangements are made by the authority under subsection (1), the whole or any part, as they think fit, of a person's reasonable travelling expenses in relation to that child's travel in either direction between his home and any relevant educational establishment in relation to the child, or in both directions.
- (6) References to a “relevant educational establishment”, in relation to a child to whom this section applies, are references to—
- (a) any school at which he is a registered pupil,
 - (b) any institution within the further education sector at which he is receiving education, or
 - (c) any place other than a school where he is receiving education by virtue of arrangements made in pursuance of section 19(1).

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508D Guidance etc in relation to sections 508B and 508C

- (1) The Secretary of State must issue, and may from time to time revise, guidance in relation to the discharge by a [^{F2}local authority] of their functions under sections 508B and 508C.
- (2) Before issuing or revising guidance under subsection (1), the Secretary of State must consult such persons as he considers appropriate.
- (3) In discharging their functions under sections 508B and 508C an authority must have regard to any guidance given from time to time by the Secretary of State under subsection (1).
- (4) Regulations may require a [^{F2}local authority] to publish, at such times and in such manner as may be prescribed, such information as may be prescribed with respect to the authority's policy and arrangements relating to the discharge of their functions under section 508B or 508C.”

(2) Schedule 8 (which inserts Schedule 35B to EA 1996) has 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. 14(3)**
- F2** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 14(2)**
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Commencement Information

- I1** S. 77(1) in force at 1.4.2007 for specified purposes by [S.I. 2007/935](#), **art. 5(m)**
- I2** S. 77(1) in force at 1.9.2007 in so far as not already in force by [S.I. 2007/1801](#), **art. 4(b)**
- I3** S. 77(2) in force at 1.9.2007 for specified purposes by [S.I. 2007/1801](#), **art. 4(c)**
- I4** S. 77(2) in force at 1.9.2008 in so far as not already in force by [S.I. 2008/1971](#), **art. 2(b)**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

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. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)